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Monday,
7th May, 1956

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

Price Six Annas (Inland)
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GIPN—S4—122 Lok Sabha—26-3-57—810

LOK SABHA DEBATES

(Part I— Questions and Answers)

25574
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LOK SABHA

[*Monday, 7th May* ,1956.]

The Lok Sabha met at Half Past Ten of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

POLICE FIRING AT LUMDING STATION

***1967. Shri Jhulan Sinha :** Will the Minister of **Railways** be pleased to state :

(a) the full facts of the incident leading to firing by the Police at the Lumding Station on the North Eastern Railway in Assam ; and

(b) the number of persons killed and injured in the firing and also the position as it obtained thereafter ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). A statement is laid on the Table of the Lok Sabha. [*See* Appendix XI, annexure No. 53.]

Shri Jhulan Sinha : May I enquire how things there stand now? Have all things come to normal, or is there anything abnormal still?

Shri Alagesan : I think all the services have been resumed. However, as far as the railway services are concerned they are normal.

Dr. Rama Rao : The statement says that the crowd was violent. But it does not say that any injuries were inflicted by the crowd. Was the crowd violent in noise, and was it necessary to shoot down 12 people killing two of them for the noise that they created?

Shri Alagesan : All the available information has been placed on the Table of the House. This is a matter of law and order. I understand that there was an enquiry and the finding of that enquiry was that the action of the police is justified.

श्री विभूती मिश्र : मैं यह जानना चाहता हूं कि जो देश में इस तरह की घटनाओं हो जाती हैं कहीं गोली चल जाती है और आदमी मारे जाते हैं, तो क्या कभी माननीय मंत्री ने इस बात का कष्ट किया है कि स्वयं वहां जाकर रेलवे स्टाफ (कर्मचारियों) से या जनता से पूछें कि क्या बात है ?

Shri Alagesan : His Hindi was a bit fast and I could not follow it well.

Shri Bibhuti Mishra : I want to know whether, in such matters the hon. Minister takes the trouble of going to the spot and making a visit to the places concerned and asking the local people as well as the railway employees so as to know the real state of things there ?

Shri Alagesan : We would be able to do these things, and we are doing those things. But in this particular case, I did not go.

Shri Chattopadhyaya : May I know whether any judicial enquiry has been instituted ?

Shri Alagesan : There was a magisterial enquiry and later on it was followed by a judicial enquiry also.

LABOUR INTERESTS

***1969. Shri D. C. Sharma :** Will the Minister of **Labour** be pleased to refer to the reply given to Starred Question No. 57 on the 22nd November, 1955 and state :

(a) the steps taken to rationalise the number of workers whose interests are being safeguarded through the enforcement of Labour Laws by the Labour Commissioner (Central) ; and

(b) the total number of officers of the Industrial Relations Machinery appointed for the purpose?

The Deputy Minister of Labour (Shri Abid Ali): (a) Presumably the hon. Member has in mind the question of reorganisation of the Chief Labour Commissioner's organisation. It is still under consideration of Government.

(b) The total number of officers of the Industrial Relations Machinery is 86.

Shri D. C. Sharma: May I know how the number of workers is distributed among these 86 officers and on what principle?

Shri Abid Ali: The number of workers covered by this organisation is a little over 20 lakhs and the distribution of work is according to the requirements of the respective area, the population and the intensity and the nature of the work.

Shri D. C. Sharma: The hon. Minister just now said that the question was under consideration even now. May I know if any principle has been determined according to which rationalisation is to take place and, if so, what are those broad and general principles?

Shri Abid Ali: Some more responsibility has been put on this particular organisation and the work has also considerably increased. The increase in the number of staff will be according to the requirements of the work.

Shri D. C. Sharma: I wanted to know if any general principle had been arrived at according to which rationalisation will take place. I request the hon. Minister to enlighten me and the House on this point.

Shri Abid Ali: I have said that it is according to the requirements of the work.

Shri Chattopadhyaya: Does the Chief Labour Commission submit a report annually and, if so may I know whether it is published?

Shri Abid Ali: Yes, Sir. In the report on the working of the Labour Ministry which we publish and send to Members of Parliament, a summary of the work done by the Chief Labour Commissioner's organisation, is given, and so far as the Ministry of Labour is concerned, it gets a report from him every month.

RAILWAY STAFF

***1971. Shri Raghavaiah**: Will the Minister of **Railways** be pleased to state:

(a) whether the staff has been proportionately increased to the increase in traffic on Southern Railway;

(b) if so, by what per cent.; and

(c) if not, the reason therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Staff is sanctioned according to the requirements of the work. It does not necessarily increase with increase in work, nor does it increase in the same proportion.

(b) In the case of running staff the maximum increase in any category is of the order of 40%. In the case of other traffic staff, the increase varies from 1% to 13%.

(c) Does not arise.

Shri Raghavaiah: In view of the enormous increase in the traffic on the Southern Railway, did the Government realise the necessity of increasing the staff?

Shri Alagesan: My answer has been to that question only.

Mr. Speaker: It was answered that increase in the staff need not necessarily take place according to the increase in work nor in the same proportion.

EXPORT OF WHEAT FROM PUNJAB

***1972. Shri Ram Krishan**: Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether Government have received any request from the Punjab Government for imposition of ban on wheat exports from the Punjab; and

(b) if so, the action taken thereon?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) Yes Sir.

(b) The request was duly considered but in the context of Government's policy in favour of free market it was decided that such a drastic step was not justifiable.

SAURASHTRA RAILWAY CORRUPTION CASES

***1975. Shri T. B. Vittal Rao:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 613 on the 9th March, 1956 and state;

(a) whether advice has since been received from the Union Public Service Commission regarding the punishment to be meted out to the 3 officers of the *ex*-Saurashtra Railways for embezzlement of Rs. 13 lakhs; and

(b) if so, further action proposed to be taken by the Railway Board in this regard?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

Shri T. B. Vittal Rao: May I know whether the Union Public Service Commission has been reminded in view of the fact that these cases have been hanging fire for the last five years?

Shri Alagesan: These cases have been referred to the Union Public Service Commission, and we are expecting to have their opinion. I feel that they know their duties very well.

Shri T. B. Vittal Rao: The cases have been referred to the Union Public Service Commission as long ago as January, 14th. Has the Minister taken any steps to remind them to expedite the work, because this misappropriation took place about five years ago?

Shri Alagesan: It is true that these things have been going on for a long time. The records connected with these cases have also grown as time went on, and it is a very bulky document which the Union Public Service Commission has been called upon to study and give opinion thereon. We have no intention of hurrying the Commission on this matter.

Shri T. B. Vittal Rao: May I know whether it is a fact that while the amount that was misappropriated was originally estimated at Rs. 20 lakhs, it has been scaled down to Rs. 13 lakhs, and may I know the reasons for this discrepancy?

Shri Alagesan: It was as a result of elaborate enquiries that have been made that this estimate has been arrived at. The loss is estimated at Rs. 13 lakhs.

Shri Chattopadhyaya: May I know the total amount paid to these officers by way of subsistence allowance since the date of their suspension?

Shri Alagesan: When officers are placed under suspension certain allowances are given to them as per rules. As to the actual amount that has been paid to the officers in these cases, I should like to have notice.

SOIL TESTING LABORATORY IN U.P.

***1978. Shri Shivananjappa:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Union Government have agreed to finance a soil testing laboratory in U. P.;

(b) if so the total amount sanctioned for this purpose; and

(c) the main functions of the laboratory?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Under the TCM project on Soil Fertility and Fertilizer Use, the Government of India are setting up 24 Soil Testing Laboratories throughout India, out of which one will be located at Kanpur, U.P.

(b) Establishment of 24 Centres is likely to cost about Rs. 28 lakhs. No amount has however been specifically sanctioned for the projected Centre in U.P.

(c) Collection of soil samples from the farmers 'fields', analysing them in the Laboratory and then making practical recommendations regarding the fertilizer needs for increasing the crop yields.

Shri Shivananjappa : May I know in which particular place the first laboratory will start functioning?

Dr. P. S. Deshmukh : Kanpur.

श्री भक्त दर्शन : इस लेबोरेटरी (प्रयोगशाला) पर जो खर्चा होगा उसका सारा भार केन्द्रीय सरकार उठाने जा रही है या उत्तर प्रदेश की सरकार भी उसमें कुछ हिस्सा बंटायेगी ?

डा० पी० एस० देशमुख : पहले तीन साल तक पूरा खर्चा सेंट्रल गवर्नमेंट (केन्द्रीय सरकार) करेगी उसके बाद स्टेट गवर्नमेंट (राज्य सरकारें) इसको चलायेंगे । इसमें यू० एस० ए० गवर्नमेंट ने हमें १ लाख ८५ हजार डालर दिये हैं।

Shri Sarangadhar Das : May I know if this is the only laboratory for this purpose, or whether laboratories have been set up in other places also, and if so, what are those places?

Dr. P. S. Deshmukh : We are proposing to have two dozen such laboratories in different States.

Shri Thimmaiah : May I know whether the Government is proposing to take over the laboratories that are there in the States?

Dr. P. S. Deshmukh : We are proposing to set up new laboratories in the various States, if we find it profitable to do so.

Shri Raghavaiah : May I know whether removal of the salinity of the soil is not one of the functions of the laboratory? If not, do Government propose to include it?

Dr. P. S. Deshmukh : This is a laboratory for soil testing and removal of salinity may be outside its field. But, in the course of the research, it might be investigated.

Shri C. D. Pande : In Tarai in U. P. the land is supposed to be very fertile. Yet, the recovery of sugar from cane is very poor. Will Government devote some attention to this matter?

The Minister of Food and Agriculture (Shri A. P. Jain) : Government will devote attention not only to this problem, but to many other problems. But this particular problem does not arise out of this question.

AGRICULTURAL INSTRUCTORS

***1979. Shri Madiah Gowda :** Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether the group of agricultural instructors sent last year to Denmark, have submitted any report after their return ; and

(b) what improved methods in farm management, dairying, co-operatives, etc. they have introduced or intend introducing in their sphere of activity?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) Yes sir.

(b) The fifteen instructors who were sent abroad on their return are utilising the experience gained while imparting training to village level workers in improved methods in farm management, dairying, co-operatives, etc.

Shri Madiah Gowda : If it is found useful to send agriculturists to Denmark, will Government consider the question of sending more groups?

Dr. P. S. Deshmukh : There is a proposal from the college to which these people went that we should continue this practice for the next five years. But, I am afraid the Government has not yet agreed to it.

Shri Madiah Gowda : Will a separate group be sent to study the cooperatives in Denmark?

Dr. P. S. Deshmukh : Co-operation is one of the subjects.

श्री भक्त दर्शन : जो पंद्रह व्यक्ति डेनमार्क भेजे गये थे वह भारत के कौन कौन से भागों से भेजे गये थे और वहां से आने के बाद कहां कार्य कर रहे हैं ?

डा० पी० एस० देशमुख : आन्ध्र, बिहार, बम्बई, मध्य प्रदेश, पंजाब, उत्तर प्रदेश, मध्य भारत, राजस्थान, सौराष्ट्र, त्रावनकोर-कोचीन और भोपाल से एक एक व्यक्ति गया था और वहां से आने के बाद वह एक्स्टेंशन ट्रेनिंग सेन्टर्स (विस्तार प्रशिक्षण केन्द्रों) में काम कर रहे हैं ।

Shri Thimmaiah: May I know whether it is a fact that Government is proposing to send a delegation to Russia to study the question of agricultural co-operatives there and if so when the delegation is expected to leave India?

The Minister of Food and Agriculture (Shri A. P. Jain): Nothing has been finalised with regard to the proposal to that effect.

RAILWAY CLAIMS DISPUTE

***1981. Shri Gadilingana Gowd:** Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that a dispute between the Northern and North-Western Railways of India and Pakistan respectively over Rs. 10 claimed by Pakistan resulted in the loss of Rs. 60,000 to both countries recently; and

(b) whether this dispute led to the holding up of nearly 500 loaded wagons at Attari (India) Jallo (Pakistan) for 72 hours;

(c) if so, whether the dispute has been settled; and

(d) if so, the reason for the delay in settling the dispute?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b) · A dispute arose over a debit of Rs. 10 raised by Northern Railway (India) on a wagon which was to be handed over by Pakistan to India, for defective body plates. The Pakistani staff, stationed at the interchange point refused to accept this, and they rejected 319 wagons offered by Northern Railway for interchange on frivolous grounds. In consequence, these wagons were held up on the Indian side of the border, losing hire charges amounting to approximately Rs. 1,390. The loss incurred by N. W. Railway (Pakistan) is not known.

(c) Yes Sir.

(d) When the dispute could not be settled between the subordinate staff of either side at the interchange point contact was made by the Northern Railway authorities with N. W. (Pakistan) Railway authorities in Lahore and the dispute which arose on 31-3-56 was settled on 3-4-56 when normal interchange was resumed.

Shri Gadilingana Gowd: May I know whether there is a possibility of this dispute being settled at an early date?

Shri Alagesan: It has been settled.

BHOPAL RECLAMATION AND DEVELOPMENT OF LANDS (ERADICATING KANS) ACT 1954

***1982. Shri Kamath:** Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether the attention of Government has been drawn to the recent judgment of the Judicial Commissioner of Bhopal in validating the Bhopal Reclamation and Development of Lands (Eradicating Kans) Ordinance, 1949, as well as the subsequent Act, 1954;

(b) if so, whether Government still propose to recover from the Bhopal farmers the reclamation rates levied for tractorisation of their land in certain areas of Bhopal by the Central Tractor Organisation; and

(c) if so, on what grounds?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes.

(b) and (c): The judgment of the Judicial Commissioner is under examination of the Government of India. In the meantime the Government of India have stopped recoveries of tractorisation charges from the cultivators.

Shri Kamath: Have the Ordinance and the subsequent Act validating the Ordinance been held merely invalid or have they been held void *ab initio*, and if so, on what grounds?

Dr. P. S. Deshmukh: I have got the grounds here; if you will permit me, I will read them.

Mr. Speaker: Is it large in number?

Dr. P. S. Deshmukh: They are three—about half a dozen sentences:

(a) That the purpose of the Act was to enable tractorisation of only that land which was infested with kans and the legislature does not seem to have included in the purview of the enactment land which was in fact not infested with kans.

(b) That in leaving the manner and method of tractorisation of land which in fact was not infested with kans to the individual discretion of Government and its official, the legislature abdicated its power of legislation which was not permissible by law.

(c) That the Reclamation Officer had the power to declare even those lands as kans-infested which in fact may not be so infested and hence the relevant provisions of the Act were repugnant to the principles of equality laid down in Article 14 of the Constitution, which everybody knows.

Shri Kamath: Considering that land reclamation has been done in the neighbouring States of Madhya Pradesh and Madhya Bharat under the provisions of Acts similar to the Ordinance and the subsequent Act in Bhopal which have been held invalid and void by the Judicial Commissioner and considering that the Government has now suspended the recovery of the reclamation charges pending decision of this question, does Government propose to stop the recovery of similar land reclamation charges in Madhya Pradesh and Madhya Bharat pending final deision of this general question?

The Minister of Food and Agriculture (Shri A. P. Jain): It is too broad an assumption to say that other Acts are similar to this. That requires closer examination. We are going to challenge this judgment in the Supreme Court. Therefore, it is not intended to act upon the results of this judgment in other States to which it does not apply.

Shri Kamath: May I know whether the Minister is in a position to say that the Acts under which the C.T.O. went into action in other places—Madhya Pradesh and Madhya Bharat—are different from the Bhopal Act?

Shri A. P. Jain: I do not propose to draw any assumption; that requires examination. In any case, we are not going to apply this judgment to places where it is not applicable.

Shri Raghavaiah: May I know the charges for tractorisation per acre and also whether the peasants there are in a position to pay the charges?

Shri A. P. Jain: Does this arise out of the main question, Sir?

Mr. Speaker: This does not arise out of this question.

Shri Sarangadhar Das: Admitting that this judgment cannot be applied to Madhya Pradesh and Madhya Bharat, there may be a complaint afterwards. That is to say, someone in Madhya Pradesh or Madhya Bharat might bring a suit of a similar kind. From that point of view, is it being examined by Government whether these Acts are of the same nature as the Bhopal Act?

Shri A. P. Jain: Firstly I, do not accept the correctness of the judgment which we are going to challenge in the Supreme Court. Secondly, every Act is interpreted on its own terms and the judgment given in respect of one Act is not applicable to the other Act.

Shri B. D. Pande: Are these kans taxes being levied in Tarai-Bharbar?

Dr. P. S. Deshmukh: I do not think so; that was reclamation under different circumstances.

चित्तौड़गढ़

***१९८४ श्री भक्त दर्शन ।** क्या परिवहन मंत्री २५ अप्रैल १९५५ के तारांकित प्रश्न संख्या २५६३ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या चित्तौड़गढ़ को एक सुन्दर पर्यटक-केन्द्र के रूप में विकसित करने के प्रश्न के बारे में अब तक कोई अन्तिम निश्चय कर लिया गया है;

(ख) यदि हां, तो उसका क्या कार्यक्रम है और उसमें अनुमानतः कितना खर्च होगा; और

(ग) यदि नहीं, तो अन्तिम निश्चय करने के बारे में अभी तक कितनी प्रगति हुई है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): (क) जी, नहीं ।

(ख) सवाल ही पैदा नहीं होता ।

(ग) चित्तौड़गढ़ और दूसरे महत्वपूर्ण पर्यटक-केन्द्रों में पर्यटकों की मनोरंजन-सुविधाओं के विकास की तजविजों की दूसरी पंचवर्षीय योजना के अन्तर्गत विचार किया जा रहा है, जिस योजना के विस्तृत विवरणों को अन्तिम रूप दिया जा रहा है ।

श्री भक्त दर्शन : कब तक यह आशा की जा सकती है कि अगली पंचवर्षीय योजना के अन्तर्गत यह कार्यक्रम निश्चित हो जायेगा और कब तक खास तौर से चित्तौड़गढ़ के बारे में अन्तिम निर्णय हो सकेगा ?

Shri Alagesan: The whole scheme of development of tourism during the next five year period has been finalised and it has also received the consent of the Planning Commission. It is just now under consideration in the Finance Ministry.

Shri Kasliwal: The past history of Chittorgarh is such that it has become a kind of a place of pilgrimage for tourists all over the country. May I know whether Government propose to provide facilities to visit Chittorgarh to such class of tourists?

Mr. Speaker: It is almost held as sacred, that is what he says.

Shri Alagesan: It has been included in the scheme of our development.

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि जो थोड़ा बहुत अस्थायी कार्यक्रम मंत्रालय में तैयार किया जा रहा है क्या उसमें इस बात पर भी विचार किया जा रहा है कि चित्तौड़गढ़ में राना प्रताप की भी एक प्रस्तर मूर्त्ति खड़ी की जाये ताकि जो लोग वहां जायें वे अपनी श्रद्धांजलि अर्पित कर सकें ?

Shri Alagesan: I think the hon. Member refers to the question of raising a statue of Rana Pratap. That does not form part of this. Perhaps others may do it.

रेलवे में तीसरा दर्जा

***१९८६ श्री के० सी० सोधिया :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) तीसरे दर्जे को खतम करने की सरकारी नीति के बारे में उनके द्वारा की गयी घोषणा को कार्यान्वित करने के लिए क्या कोई कार्यक्रम तैयार किया जा रहा है ;

(ख) यदि हां, तो उसको कार्यान्वित करने में कितना समय लगने की आशा है; और

(ग) इस योजना में अनुमानतः कितना अतिरिक्त व्यय होने की आशा है ?

The Deputy Minister of Railways and Transport (Shri Alagesan): Sir, with your permission I should like to read the answer in English.

(a) and (b): As a first step towards introduction of the revised arrangement, the existing Second Class accommodation will be abolished over Branch lines sections with effect from 1-7-1956. Beyond this, however, no phased programme has yet been drawn up and it is, therefore, not possible to say at present when the entire scheme will be implemented.

(c) This has not been estimated, but the actual expenditure in the change in itself is expected to be negligible.

श्री के० सी० सोधिया : मैं जानना चाहता हूं कि यह जो थर्ड क्लास को समाप्त कर देने की बात है यह सिर्फ नाम में ही समाप्त होगी या सेकिंड क्लास को जो इस समय सहूलियतें प्राप्त हैं वे थर्ड क्लास को भी प्राप्त होंगी ? मैं यह भी जानना चाहता हूं कि यह सारा प्रोग्राम कब तक इम्पलीमेंट (कार्यान्वित) हो सकेगा ?

Shri Alagesan: I thought this has been sufficiently explained during the discussion on the budget. The idea is not to make a sudden change. As I said in reply, we propose to abolish the second class accommodation only on certain branch lines—it will not be even on all branch lines. This has to be phased over number of years. Even when we abolished the previous first class it had to be done, I think, over a period of two and a half years. And it has also been stated on the floor of the House that in course of time we would like to approximate the conveniences and amenities that obtain in the third class to those of the present second class.

Shrimati Ammu Swaminadhan: I find it rather puzzling to understand. When the second class is abolished, or when the third class is abolished, what class are we going to have? Is it the proposal of the Government that we will have only one class which will be the first class. I have not been able to follow what the hon. Minister replied to this particular question. If I may ask him, I would request him to explain that.

Shri Alagesan: I thought this has been explained times without number. The idea is to retain only two classes which will be ultimately called the first and second classes. And there will also be the air conditioned class.

Shri Bansal: The reply was that third class will be abolished by the abolition of second class, and that is what is confusing some of us!

Mr. Speaker: Very well. Shri Dabhi.

Shri Dabhi: May I know whether, when the third class is ultimately abolished, there will be any increase in the fares?

Mr. Speaker: He wants to know whether consequent on the abolition of the present third class there will be any increase in fares.

Shri Alagesan: No, Sir, there will be no such thing.

Shri Kasliwal: At present in certain trains, in third class, you can reserve sleeping accommodation by paying a special surcharge. May I know whether the same conditions that are obtaining now would be applicable in the new second class, that is to say, you will be able to reserve sleeping accommodation?

Shri Alagesan: Yes, at present only on certain trains sleeping accommodation in third class is being reserved. That will be extended further.

Dr. Rama Rao: In view of the fact that third class accommodation is still very bad and overcrowding is such that it is almost a fight to get into a third class compartment—(*An Hon. Member:* More than a fight.)—does Government consider it advisable to go in for a better class instead of providing more third class compartments?

Shri Alagesan: We are not going in for more classes. Whenever the second class accommodation is removed attempts will be made to increase the third class accommodation so as to relieve overcrowding.

FAMILY PLANNING

***1987. Shri Gidwani:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that Government propose to set up a High Power Autonomous Board to take charge of the work in regard to population and family planning programme;

(b) if so, when the Board will be set up; and

(c) who will be the members of the Board?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes.

(b) and (c): The proposal is under consideration and details thereof are being worked out.

Shri Gidwani: When will the proposal be implemented?

Shrimati Chandrasekhar: Shortly.

Shri Gidwani: How many months will it take?

Mr. Speaker: Shortly.

Shri Gidwani: May I know what steps have been taken or are proposed to be taken to popularise family planning and to provide facilities to the people living in urban as well as rural areas to take full advantage of the same, and also to make available simple, cheap, acceptable and efficacious preparations free for that section of the population who cannot afford to purchase them?

Shrimati Chandrasekhar: In the Second Five Year Plan we have included Rs. 4 crores for carrying out the family planning work. And there is a proposal to start 1,800 Family Planning Centres in rural areas and 300 in urban areas. The other things, in detail, will be worked out after the scheme is finalised.

Shri Gidwani: Is it proposed to give training to family planning methods in the medical colleges, health visitors' training schools and nursing colleges and in such other institutions as part of their curriculum?

Shrimati Chandrasekhar: Besides that, we are proposing to start a Family Planning Research and Training Institute which will give training for all persons who have to carry out this work.

Shrimati Ammu Swaminadhan: The hon. Minister said that they are going to start new clinics all over India. Now there are Maternity and Child Welfare Centres existing all over India. Is it possible that these Centres will also give advice to the people who go there for family planning?

The Minister of Health (Rajkumari Amrit Kaur): I would like to assure the hon. Member that it is through these Health Centres that the clinics will be functioning.

Dr. Rama Rao: Instead of utilising the vast organisation, both Central and State, in the Medical Department for these purposes, what is the reason for the Government to partially abdicate its powers and duties to these autonomous bodies.

Mr. Speaker: He means that if an autonomous body is created it will mean that some powers will have to be given away from the Centre.

Rajkumari Amrit Kaur: The word 'autonomous' should not be interpreted as meaning that the Government of India or even the State Governments will abdicate their powers. But in order to get decisions quickly and take action more speedily, and in order to avoid as much red-tape as possible, it was thought that if there was an advisory board which can have a certain number of powers delegated to it, it would speed up action.

श्री बी० डी० पांडे : क्या मैं जान सकता हूं कि हिन्दुस्तान में कुछ ब्रह्मचर्य आश्रम खोलने का भी विचार किया जा रहा है जहां वे लोग जा कर रह सकें जो यह प्रतिज्ञा करें कि हम विवाह नहीं करेंगे ? यह प्रथा हिन्दुस्थान में बहुत पहले से चली आ रही है और उस वक्त क्लिनिक्स (रुजालयों) इत्यादि को कोई नहीं जानता था ।

राजकुमारी अमृत कौर : आश्रम खोलने के लिये कोई मुमानियत तो नहीं है और जो भी चाहे वह आश्रम खोल सकता है । मैं स्वयं आप से सहमत हूं कि संयम सब से बेहतर चीज है ।

श्री बी० डी० पांडे : क्या मैं......

Mr. Speaker: I have called Shri N. M. Lingam.

Shri N. M. Lingam: Apart from opening clinics and propagating methods of birth control, may I enquire what steps Government are taking to counteract the effects of fish, rice eating and ozone in areas like Travancore-Cochin which are said to contribute to the high degree of fecundity in those areas?

Mr. Speaker: I cannot understand the question.

Shrimati Sushama Sen: May I know if there is difference of opinion regarding family planning and whether the Government will ascertain and make sure that these methods are quite safe for our country before they are introduced in all parts of the country?

Rajkumari Amrit Kaur: No method will be advocated by the Government that is not absolutely safe, simple and in keeping with our traditions.

Shri Gidwani: What is the result of investigations carried out in a number of places regarding the types of family planning, particularly in the rural areas so far. Is it not a fact that there are a number of centres among the rural women also?

Rajkumari Amrit Kaur: Yes. There is already a wide awakening amongst the rural population and amongst the urban population also. But, in a programme like this results cannot be shown straightaway.

FOODGRAIN PRICES

*1988. **Shri Veeraswamy:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the prices of foodgrains are soaring up of late in South India;

(b) if so, the names of the States where the prices of grains are increasing;

(c) the reasons therefor; and

(d) the steps taken by Government to arrest the rise in prices of foodgrains?

The Deputy Minister of Food and Agriculture (Shri M. V. Krishnappa): (a) and (b): There has been some increase in the prices of foodgrains in all the States including the South Indian States.

(c) The main factors which contributed towards the increase in prices are:

(*a*) shortfall in production of khariff millets and consequent additional pressure on other foodgrains;

(*b*) speculative activities of the trade and hoarding of stocks by large-scale producers.

(d) The Government of India have already taken the following steps to check the rising prices of foodgrains:

(i) total ban on export of foodgrains;

(ii) release of larger quantities of rice from Central reserve stocks;

(iii) stopping purchase of foodgrains in internal markets by Government;

(iv) issue of wheat freely from the Central stocks in important centres.

Shri Veeraswamy: May I know whether it is a fact that near famine conditions are obtaining in South India?

Shri M. V. Krishnappa: The South India prices compare with prices in other parts of India. The South India prices have not gone up so much especially of coarse rice which is eaten by the bulk of the population. The rise was only about 15 to 20 per cent. By our efforts and the State efforts, the prices have come down. If the hon. Member refers to yesterday's *Hindu* and *Express*, it is reported that the price of rice has started coming down.

Shri Veeraswamy: May I know whether a food reserve has been built up by the Government of India in the south to meet any emergency situation?

Shri M. V. Krishnappa: Almost all our food reserves will generally be in Bengal and the South.

Shri Bansal: About a week back, replying to a similar question, the Minister had said that the prices had gone up and they were coming down. Today he said that the prices are going up.

Shri Krishnappa: No no.

Shri Bansal: Yes. He said just now. Then he says that if you refer to the *Hindu* of yesterday, you will see that the prices are coming down. If he refers the *Times of India* of today, he will find that the prices are going up. May I ask the Government if they have a really comprehensive price policy in regard to foodstuffs, because on this depends the entire success of our Second Five Year Plan. May I request the hon. Minister to take the House into confidence as to what comprehensive pricing policy they are having?

The Minister of Food and Agriculture (Shri A. P. Jain): As for interpreting the replies given by the Deputy Minister, it is open to the hon. Member to do so in his own light. But, so far as prices are concerned, we are very vigilant. We are keeping full watch and we are taking adequate steps. The prices are now coming down.

Shri Sarangadhar Das: May I know if the export of rice or wheat from the localities where it is produced to other localities at the time of the harvesting season is one of the causes of high prices of rice in those localities particularly?

Shri M. V. Krishnappa: In a free economy, we cannot call movement of rice from one State to another State as export of rice or wheat. People of the Punjab have to grow wheat not only for the Punjab, but at least for the Punjabis in Delhi. Delhi has got to get its wheat supplies from the Punjab. It is true that movement from one place to another helps the prices to recover that is wanted at the time of harvest.

Shri Chattopadhyaya: May I know whether Government are aware of the fact that the prices of foodgrains have increased by 100 per cent. in the Mysore State and that it was so until just last week and whether any reduction has taken place as a result of the steps taken by the Government?

Shri M. V. Krishnappa: It is all an exaggerated statement. I have already stated that the price of coarse rice never went up beyond 15 per cent or 20 per cent. The prices of some superior varieties used by a few high ups, have gone up by about 50 or 60 per cent.

Shri Sarangadhar Das: May I know for instance, whether in Orissa where due to two years of drought and flood last year it is well-known that most of the crops were destroyed, there was a big movement from that State during the harvesting season to other places which has caused scarcity now?

Shri M. V. Krishnappa: I was in Orissa only day before yesterday. I am now directly coming from Orissa. We have allotted 60,000 tons of rice to Orissa. We are running five special trains every week. We have started 1,200 fair price shops already, and we intend to start more shops wherever prices go up. With the arrival of rice by special trains, the price is coming down. We have taken all action to see that the poor people of Orissa get rice at the subsidised price of Rs. 16 a maund.

Shri Feroze Gandhi: May I know why the Government are hesitating to seize the stocks of foodgrains which are held by the banks under cash credit arrangement? What prevents your seizing the stocks and utilising the stocks locally where shortages occur?

Mr. Speaker: He put the same question a couple of days ago.

Shri Feroze Gandhi: It has become so important. It is coming every day. It is at least good that the Minister should answer it.

Shri A. P. Jain: The position is well within control. We have got adequate stocks to meet the situation. It is not necessary to take all action at all times.

RAILWAY FREIGHT RATES

***1991. Shri Debendra Nath Sarma:** Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that Railway freight rate of salt, sugar, cement, pulses, iron and steel and many other commodities of daily necessities from

Calcutta to Gauhati is higher than that of other places of similar mileage; and

(b) if so, the reasons for this discrimination in freight structure?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b): The same mileage scales of freight charges apply in the case of traffic between Calcutta and Gauhati as over the rest of the country and there is no discrimination in this respect.

Traffic from Calcutta to Gauhati, however, has to pass over two ferries, between Sakrigali and Manihari ghats and between Amingaon and Pandu ghats and consequently certain charges, namely Ferry, Ghat and Transhipment charges, are levied, in addition to the freight charges at the ordinary rates.

Shri Debendra Nath Sarma: Is it not possible for the Government to send the commodities of daily necessity by a cheaper route?

Shri Alagesan: All routes are being utilised; the all rail route, and also rail-*cum*-river route. Quotas are separately allotted. Only two days back, there was a conference with all the hon. Members from Assam and the question was thoroughly discussed, when the hon. Member was also present. Certain decisions were taken. They will be kept in view to see that there is not much difference between the freight rates.

PLANNING OF DELHI

***1992. Shri D. C. Sharma:** Will the Minister of **Health** be pleased to **state**:

(a) whether it is a fact that team of town planners has been deputed by Government to prepare a master plan for the future development of Delhi; and

(b) if so, how long it will take the committee to complete its work?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) The Preliminary Master Plan is expected to be ready by the end of June, 1956.

Shri D. C. Sharma: What are the broad principles governing this master plan, and may I know whether it is the intention of the master plan to have the industrial estates first or the exodus of the scavengers and the shoe-makers from Delhi State first?

Rajkumari Amrit Kaur: I do not quite follow the question.

Shri D. C. Sharma: May I know what are the broad principles governing this master plan? I think I am quite clear now.

Rajkumari Amrit Kaur: As the hon. Members know, buildings have grown up in a very haphazard manner in Delhi, and it has really become a problem difficult of solution. Therefore, the Cabinet thought that we should have a master plan. The original master plan has completely broken down because of haphazard construction, and therefore, we had to take other steps and we appointed a team to look into the problem. They have completed so far certain items of work—first of all studies necessary for an interim plan, secondly, reorientation of the older plan to meet the present situation; thirdly, basic research, and finally an analysis which is nearing completion.

Shri D. C. Sharma: May I know if the clearance of slums forms a part of this master plan and if the six lakhs of persons who are living in these slum will get alternative accommodation?

Rajkumari Amrit Kaur: Of course, slum clearance will be recommended by this team. Slum clearance is already there. We are taking some steps in regard to it, and I can assure hon. Members of this House that we shall try to give accommodation in those areas to the displaced persons, or, if they are living in too crowded an area and they have to be removed, we will not remove them until there is alternative accommodation and such accommodation as will enable them to continue to earning their livelihood.

Shri C. D. Pande: Is it a fact that even without waiting for the master plan Government continues building quarters in front of the Red Fort where the land is very valuable, where bigger buildings should have been raised and the space better utilised? Only godowns are being constructed there now.

Rajkumari Amrit Kaur: Many things have been done that should not have been done.

Shri C. D. Pande: But today they are being done.

Rajkumari Amrit Kaur: But we are putting a stop to all further construction.

Shri Kamath: Has the hon. Minister given serious thought and earnest consideration to her eminent colleague, the Prime Minister's revolutionary plan, or rather idea, to burn down the slums of Delhi as an integral part of the master plan?

Rajkumari Amrit Kaur: Wholesale destruction like that can never really help to reach the desired objective.

Shri Sinhasan Singh: May I know whether this master plan means the removal of the poorer classes and lodging them at a distance?

Rajkumari Amrit Kaur: No, Sir. We will try to accommodate the persons as far as possible in areas where they will be able to earn their living.

Shri Kasliwal: We read in the press that the slum clearance of Delhi and the master plan will cost Rs. 20 crores. May I know how Government propose to raise this money?

Rajkumari Amrit Kaur: I do not know where the hon. Member has got that figure from.

Some Hon. Members: It is there in all the newspapers.

Rajkumari Amrit Kaur: But we shall do all that we can within the financial resources available to us.

COCONUT RESEARCH CENTRES

***1993. Shri Sivamurthi Swami:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Madras Government have communicated their plan of starting a few more coconut research centres in the Madras State;

(b) if so, whether the Government of India have given their consent to the plan; and

(c) whether the Government of India are considering a proposal to start a coconut research centre in the Malnad part of the Mysore State?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Yes, in respect of one research centre in the Tanjore District.

(b) Yes.

(c) No.

Shri Sivamurthi Swami: What will be the cost of the centre which has been proposed by Madras State?

Dr. P. S. Deshmukh: Originally they had proposed 15 acres for this centre. They have now raised it to 30 acres costing Rs. 2,19,802. We have provided some amount in the Second Five Year Plan for such centres.

Shri Sivamurthi Swami: May I know how many research centres are functioning at present, and how many new centres are proposed to be opened under the Second Five Year Plan?

Dr. P. S. Deshmukh: I would like to have notice of the question.

RAILWAY FACTORY AT BHULI

***1995. Shri T. B. Vittal Rao:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that there is a proposal to set up a factory at Bhuli near Dhanbad for the manufacture and repair of mechanical signalling equipment;

(b) if so, when the construction of the same is likely to commence; and

(c) whether it is also proposed to open a School for imparting training in the manufacture of the said equipment?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) and (c): Do not arise.

Shri T. B. Vittal Rao: May I know whether there are any workshops under the railway where the manufacture of mechanical signalling equipment is undertaken?

Shri Alagesan: Yes, there are several workshops. On the Eastern Railway itself there is a workshop at Howrah, and it is proposed to extend it. Other railways also have plans to put up units or expand their existing ones.

Shri T. B. Vittal Rao: May I know if there is any proposal to open a school for imparting training in the manufacture of signalling equipment?

Shri Alagesan: There is at present no such proposal.

AGRICULTURAL WORKSHOPS

***1997. Shri Madiah Gowda:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 1091 on the 3rd April, 1956 and state:

(a) where the agricultural workshops were organised or are intended to be organised;

(b) whether necessary personnel and equipment is available for organising agricultural workshops; and

(c) whether there is scope for ordinary village young folk being trained in those agricultural workshops?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) Agricultural Information Workshops have so far been organised in six States, *viz.*, Himachal Pradesh, Madhya Pradesh, Bihar, Bhopal, Travancore-Cochin and West Bengal. Workshops in some other States, namely, U.P., Hyderabad, Assam, Orissa, Andhra, Madras, Rajasthan, Saurashtra, Ajmer, Vindhya Pradesh, Punjab and Pepsu are proposed to be held during the current year.

(b) Yes.

(c) No.

Shri Madiah Gowda: May I know the nature of the work that will be executed in the workshops and whether the Government has drawn up any syllabus for the various kinds of work to be done there?

Dr. P. S. Deshmukh: We have got a scheme for utilising these workshops and the work is carried on under that scheme. The main intention is to make available agricultural information in an appealing form to the farmers on as large a scale as possible, as well to the extension workers.

Shri Madiah Gowda: If the village young people are not to be trained in these agricultural workshops, may I know who are the persons to be trained?

Dr. P. S. Deshmukh: We have got certain people who train some of the State officials in the work of these workshops, and those are people who know something about agricultural information.

Shri Madiah Gowda: What do they intend doing after the training in these workshops?

Dr. P. S. Deshmukh: This is not merely for training. It is also for production of the information literature. The workshops themselves will produce the information literature to be distributed to the farmers.

UNIFORMS FOR RAILWAY GUARDS

***1998. Shri Kamath:** Will the Minister of **Railways** be pleased to state:

(a) whether he recollects the assurance given to him in the course of the debate on the Railway Budget that conductor guards on the Central Railway would not be discriminated against in the matter of supply of uniforms; and

(b) if so, whether that assurance has been or is being given effect to?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) Yes. Orders have already been issued to the Central Railway.

CROP PROTECTION

***2000. Shri Gidwani:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that services of two Russian Experts who are specialists in the technique of air spraying of insecticide on crops have been made available to India by U.N. Technical Assistance Board; and

(b) if so, whether Government have decided to engage them?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) No, Sir.

(b) Does not arise.

WAGONS FROM AUSTRALIA

***1968. Shri Bhakt Darshan** (*on behalf of* **Shri Krishnacharya Joshi**)**:** Will the Minister of **Railways** be pleased to state whether it is a fact that an order has been placed by the Government of Australia with Tomlinson's Steel Limited of Western Australia for the supply of 2,000 Rail wagons to the Government of India under the Colombo Plan?

The Deputy Minister of Railways and Transport (Shri Alagesan): Yes.

श्री भक्त दर्शन : यह डिब्बे किन शर्तों पर आस्ट्रेलिया से मंगाये जा रहे हैं ?

Shri Alagesan: They are being got under the Colombo Plan. The Australian Government have undertaken to supply 2,000 MG wagons, and the delivery dates have been fixed. But the wagons have not yet started arriving. They are expected shortly.

श्री भक्त दर्शन : इस फर्म से इससे पहले भी क्या डिब्बे मंगाये गये थे और यदि हां, तो चूंकि वे अच्छे साबित हुए हैं इस लिये और मंगाये जा रहे हैं, या चूंकि ये बिना कीमत के मिल रहे हैं, इस वास्ते मंगाये जा रहे हैं ?

Shri Alagesan: The Australian Government have placed this order on this firm. We are not directly dealing with them.

श्री विभूति मिश्र : क्या नार्थ ईस्टर्न (पूर्वोत्तर) रेलवे को भी और डिब्बे देने का विचार किया जा रहा है ?

Shri T. B. Vittal Rao: May I know how the price of the wagons that we are going to get from Australia compares with that of indigenous manufacture, for in the case of the locomotives which we are getting under the Technical Co-operation Aid from America, the cost is Rs. 10 lakhs as against Rs. 5¼ lakhs for those of indigenous manufacture.

Shri Alagesan: That is quite another question. I should not like to deal with that here, because that does not come under this question. This question is with reference to the supplies from Australia under the Colombo Plan. The hon. Member is referring to something quite different.

Shri T. B. Vittal Rao: I wanted to know how the price of the wagons which we are going to get from Australia compares with that of indigenous manufacture. I gave the other thing only as a comparison.

Shri Alagesan: In fact, there is no comparison between the prices obtaining in our country and the prices that the foreign governments pay under these aid programmes, because they undertake to supply these things themselves. In this case, a wagon may cost £ 1213·5 (Australian), and one Australian pound is equivalent to something more than Rs 10. That price may be a little more than the price of a wagon in India.

Shri Raghavaiah: In view of the answer given by the Minister that the concerned Government have proposed to supply these wagons, may I know whether we are to pay for the wagons that are supplied by that Government or not? If we are to pay for the wagons the necessity for knowing the price of those wagons naturally arises. So, will the Minister be in a position to tell us the comparative costs of the wagons supplied by that Government and those manufactured in our country, in terms of so many rupees, annas and pies?

Shri Alagesan: The Government of India as a whole do not pay for this. But the Railway Ministry have agreed to pay the Finance Ministry at certain

international prices, which may not be equivalent to the prices at which we are getting these things from abroad.

Shri Bansal: May I know whether the wagon-building capacity in the country is being fully utilised, and if not, whether Government have considered the advisability of importing steel rather than manufactured wagons, so that employment may also increase in this country?

Shri Alagesan: I am sorry that even such a knowledgeable person as the hon. Member is confusing between the two issues. We are getting these supplies under the various plans. In this case, we are getting the wagons under the Colombo Plan. This does not in any way conflict with indigenous manufacture. Not only has the indigenous capacity for wagon manufacture been fully utilised, but we are making every effort to increase the indigenous capacity. It has now been increased by about a hundred per cent. A few years ago, it was only 7,000 wagons, but now the production has been taken up to 13,000 to 14,000.

VIENNA MEDICAL ACADEMY

***1970. Shri Sivamurthi Swami:** Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that the Vienna Medical Academy have offered to admit Indian licentiates for post-graduate diploma courses in various fields of medicine and surgery;

(b) if so, whether the Central Government have accepted this offer; and

(c) what is the procedure for selecting Indian licentiates for the course?

The Deputy Minister of Health (Shrimati Chandrasekhar): (a) Yes.

(b) The offer is made to Indian candidates and hence the Central Government's acceptance of the offer does not arise.

(c) A statement containing the information is laid on the Table of the Lok Sabha. [*See* Appendix XI, annexure No. 54.]

Dr. Rama Rao: May I know whether these post-graduate courses are limited to licentiates, or whether graduates also are sent, and if so, how many have been sent during the last two years?

Shrimati Chandrasekhar: The licentiates are taken for diploma courses, and the MBBS people are taken for degree courses.

Dr. Rama Rao: How many have been taken?

Shrimati Chandrasekhar: Since 1950, students have been going twice a year. The number of students sent is as follows:

October 1950	3
1951	3
April 1952	7
October 1952	4
April 1953	2
October 1953	3
April 1954	3
October 1954	...
April 1955	2
October 1955	Two candidates were selected, but they did not actually join the Academy.
April 1956	Three candidates were selected, but they would join the Academy.

Shri Thimmaiah: May I request that Question No. 1983 may be answered?

Mr. Speaker: The question stands in the name of Dr. Satyawadi. Has the hon. Member Dr. Satyawadi authorised Shri Thimmaiah? I find that only Shri Shree Narayan Das has authorised Shri Radha Raman, but Shri Radha Raman is also absent.

Shri Thimmaiah: No, but you may kindly permit.

Shri T. B. Vittal Rao: May I have your permission to put question No. 1999?

Mr. Speaker: I am coming to that.

Shri C. D. Pande: Question No. 1989 may be answered.

Mr. Speaker: I shall come to them presently. First, let me finish with those questions where the questioners were absent originally. I find that those hon. Members are still absent. Which question does the hon. Member Shri T. B. Vittal Rao want to be answered?

Shri T. B. Vittal Rao: Q. No. 1999.

WAGE COMMISSION

***1999. Sardar Iqbal Singh:** Will the Minister of **Labour** be pleased to state:

(a) whether any decision has been taken on the appointment of a Wage Commission;

(b) if so, when the commission is likely to be appointed; and

(c) the probable terms of reference?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c). The question of setting up of a Wage Commission is still under examination.

Shri T. B. Vittal Rao: Some time back, we were told in the labour panel meeting that Government were contemplating to collect wage statistics. May I know to what extent this work has progressed?

Shri Abid Ali: The work has not yet begun. It was thought that some wage boards may be appointed for important industries. But there were no data available, and therefore, we wanted to collect information with regard to the prevailing wage conditions. That work has not yet started. It has been provided for in the Second Five Year Plan.

Shri T. B. Vittal Rao: May I know whether there will not be a single wage commission, but there will be several wage boards according to the industries?

Shri Abid Ali: For important industries, there will be wage boards, which will be preliminary to the wage commission

Shri Kamath: Now that the Second Five Year Plan has been well and truly launched, have Government under consideration the important matter of the fixation of a national minimum wage?

Shri Abid Ali: As I have submitted already, first, we have to collect data. Then, wage boards will be appointed for different industries. And then, the question of the appointment of a wage commission will arise. Of course, the intention is to rationalise the present wage structure. The wage system should be consistent with the objective of socialistic pattern.

Shri Kamath: What about fixation of national minimum wage?

Mr. Speaker: The hon. Member wants to know whether there is a proposal to set up a board to fix the national minimum wage.

Shri Abid Ali: I would request the hon. Member to wait for the draft Second Five Year Plan.

Shri T. B. Vittal Rao: The Minister had stated that wage boards would be constituted for important industries. May I know which are those important industries, where wage boards will be constituted?

Shri Abid Ali: These industries have not yet been fixed.

Mr. Speaker: Next question.

Shri Raghavaiah: May I know whether an enquiry will be made...

Mr. Speaker: I am going to the next question.

Shri Thimmaiah: May I request that Question No. 1983 may be answered?

Mr. Speaker: All right.

COMMITTEE OF SCAVANGERS

***1983. Dr. Satyawadi:** Will the Minister of **Labour** be pleased to state whether Government have appointed or propose to appoint a Committee to enquire into the living conditions of the Scavangers?

The Deputy Minister of Labour (Shri Abid Ali): No.

Shri C. D. Pande: May I request that Question No. 1989 may be answered? It is an important question.

Mr. Speaker: Yes.

TELCO LOCOMOTIVES

*1989. **Shri S. V. Ramaswamy:** Will the Minister of **Railways** be pleased to state:

(a) the cost of a Telco engine in relation to the landed cost of a similar engine, the cost of a Chittaranjan engine and the landed cost of a similar engine;

(b) whether Telcos have shown any progressive reduction in the price as compared to Chittaranjan and if so in what proportion;

(c) if Telco engines are costlier than the landed cost of similar engines, how much in excess have the Government paid to the Telcos since the agreement was entered into; and

(d) if the Telcos have not shown any progress whether there is any proposal to take it over to the public sector?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A statement is laid on the Table of the Lok Sabha. [*See* Appendix XI, annexure No. 55.]

(b) A statement is laid on the Table of the Lok Sabha.

(c) Approximately an additional amount of Rs. 113 lakhs for 66 locomotives was paid by the Government during the "development period" as expenditure on the development of locomotive manufacture in India.

(d) No.

Shri C. D. Pande: In view of the fact that the manufacture by the private enterprise is costing more in this particular case, will Government consider the possibility of expanding the Chittaranjan locomotive works so that it may manufacture more engines at cheaper cost?

Shri Alagesan: The question of the price of TELCO-manufactured locomotives has been referred to the Tariff Commission. They are seized of the matter. We shall have to await the outcome of that inquiry before taking any step in this direction.

Shri Chattopadhyaya: May I know whether the report of the Tariff Commission has been received, and if so, when?

Mr. Speaker: He said we should await the report.

Shri T. B. Vittal Rao: The question of locomotive prices was referred to the Tariff Commission as long as 9 months ago. Could we know the reason for the delay in the submission of the report?

Shri Alagesan: They had to obtain the services of an expert who was not easily available, to deal with this matter. Now I think an expert from UK is available or visible. As soon as he takes charge, they will be able to see through the inquiry.

Shri C. D. Pande: In view of the fact that Government themselves are manufacturing engines, there is no question of referring this question to Tariff Commission, because Government have the data at their disposal and comparison is very easy.

Mr. Speaker: The hon. Member has given an answer.

Shri Alagesan: We are manufacturing in the Chittaranjan Works broad gauge locomotives. The TELCO are manufacturing metre gauge locomotives. So it is better that this question be decided by an impartial tribunal.

Short Notice Question and Answer

STRIKE BY SEAMEN ON WEST COAST

S. N. Q. No. 16. Shri M. D. Joshi: Will the Minister of **Transport** be pleased to state:

(a) whether the employees in the canteens on coastal steamers of the B. S. N. Co. Ltd., the crew on lighters in different ports and the crew on steamers of the B.S.N. Co. Ltd., have gone on strike because their demands have not been granted;

(b) the total number of workers on strike;

(c) whether the steamer service between Bombay and the coastal ports on the West Coast has been stopped for over a week;

(d) whether thousands of passengers are detained at different ports as a result of the stoppage of steamer service and have been prevented from carrying on their usual avocation and joining their duties;

(e) whether the mango trade of the Konkan has been severely hit and loss of lakhs of rupees has resulted owing to stoppage of steamer service; and

(f) the steps Government have taken in respect of (i) the resumption of steamer service and (ii) satisfying the demands of the workers who have struck work?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) 882.

(c) Yes, Sir. The steamer service had to be suspended from the 24th April, 1956.

(d) It is understood that usually some 3,000 passengers travel daily by the B.S.N. Company's steamers and that as a result of the suspension of this service this passenger traffic has been affected. It is, however, understood that the Bombay State Transport has put in some additional buses to relieve the situation.

(e) It is true that the mango trade of the Konkan has been affected. It has not however been possible to ascertain the extent of the losses sustained by the mango trade due to the stoppage of the steamer service.

(f) Discussions are proceeding between the Jahaji Mazdoor Union, Bombay, and the Scindia Steam Navigation Co. and the Director General of Shipping is keeping in touch with both parties with a view to bringing about an amicable settlement.

Shri M. D. Joshi: Is it a fact that the Seamen Employees' Union had asked for arbitration by Government with regard to this dispute?

Shri Alagesan: There are certain talks going on between the leaders of the Union and the Company. As I said, the good offices of the Director-General of Shipping will be used when he is approached to help in this matter. The talks are going on and it is at that stage. I am not able to say whether they are going to have arbitration in this regard.

Shri M. D. Joshi: Is it a fact that about 400 employees who have struck work have been arrested and the situation is deteriorating everyday?

Shri Alagesan: Yes, I have information here that 480 people have been arrested. I do not know the conditions under which they were arrested. Perhaps it may be due to the fact that they stayed on after they were discharged: may be, technically, it was considered trespass—I am not able to say.

Shri Kajrolkar: Has Government's attention been drawn to threats of sympathetic strike by thousands of dock workers? If so, what steps do Government propose to take to prevent further strikes?

Shri Alagesan: I answered that.

Mr. Speaker: He asks, what steps have been proposed to prevent further strikes.

Shri Alagesan: We hope this will be settled. I do not envisage a further strike by anybody.

Shri Asoka Mehta: Has the attention of Government been drawn to the strike notices served on six other shipping companies and the possibility of the strike extending to all the shipping lines, and the entire coastal shipping being suspended in the near future?

Shri Alagesan: These are all passenger services operating on the Konkan coast and also on the Saurashtra and Cutch coast. I am not aware whether strike notices have been served on other companies as well.

Shri Asoka Mehta: Will Government make enquiries to find out if there is any possibility of the strike being extended in the near future? If there is such a possibility will Government take active steps to see that this strike is brought to an amicable settlement?

Shri Alagesan: Surely, we will make enquiries in this regard. As I said, the good offices of the DG will be available in bringing this matter to an amicable settlement.

Shri Sadhan Gupta: May I know what are the demands over which this situation has developed?

Shri Alagesan: There are a number of items like increase in wages, grant of gratuity, grant of bonus and so on and so forth. But I am told the main demand of the workers is grant of bonus.

Shri Bansal: May I know whether all the stages of legal conciliation and arbitration were undergone before the strike was started, that is to say, whether the strike is legal or illegal?

Shri Alagesan: I do not think I can say anything on that matter. Evidently, this has been under correspondence between the Union and the Shipping Company concerned. My information is that as far back as October last, the Union had made known its demand to the Shipping Company. So it cannot be considered as having come upon the Company suddenly.

Shri M. D. Joshi: Are Government aware that very great discontent prevails as regards the callous attitude of the Company both towards passengers and towards their employees?

Shri Alagesan: The hon. Member has been very vigorously voicing that view in this House.

WRITTEN ANSWERS TO QUESTIONS

MEDICAL ATTENDANCE FOR RAILWAYMEN'S FAMILIES

***1973. Chaudhuri Muhammed Shaffee:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that there is no Lady Doctor at Ghaziabad and Meerut for the families of the Railwaymen of these places;

(b) if so, the reasons thereof;

(c) whether Government propose to provide a Lady Doctor to the families of Railwaymen at those places; and

(d) if so, when it will be done?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) A nurse dai is already provided at Ghaziabad to conduct confinement cases in the railway colony. The number of railway employees at Meerut is not large enough to justify provision of a lady doctor.

(c) and (d). The number of railway employees stationed at Meerut and Ghaziabad does not justify stationing of a Lady Doctor, but a Child Welfare & Maternity Centre with a lady Health Visitor, is being provided for during the current year at Meerut, and later in the Five Year Plan at Ghaziabad.

RECRUITMENT OF ANGLO-INDIANS IN RAILWAYS

***1974. Shri Frank Anthony:** Will the Minister of **Railways** be pleased to state:

(a) the number of posts, reserved for the Anglo-Indian Community which were advertised by the Railway Service Commission, Madras during the year 1955;

(b) the number of Anglo-Indian applicants for these posts;

(c) the number of Anglo-Indians called for interview in respect of these posts; and

(d) the number of Anglo-Indians selected for these posts?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 191.

(b) 675.

(c) 305.

(d) 191.

BRIDGE OVER THE BRAHMAPUTRA

***1976. Shri K. P. Tripathi:** Will the Minister of **Railways** be pleased to state whether Government are considering a proposal for the construction of a bridge over the Brahmaputra in the Second Five Year Plan?

The Deputy Minister of Railways and Transport (Shri Alagesan): There are two proposals for the construction of a bridge across the Brahmaputra. One for a bridge at Amingaon and the other for a bridge at Jogighopa with a new railway line from Pandu to Bongaigaon. The proposals will be considered for examination if and when more funds become available during the latter stages of the Second Five Year Plan.

CALCUTTA PORTS

***1977. Shri Raghunath Singh:** Will the Minister of **Transport** be pleased to state the number of Pakistani nationals employed as labourers at Calcutta harbour, ports and steamers?

CALCUTTA DOCKYARD

***1996. Shri Raghunath Singh:** Will the Minister of **Transport** be pleased to state the number of Pakistani nationals employed in Calcutta Dockyard, harbour, ports and shippings?

The Deputy Minister of Railways and Transport (Shri Alagesan): A statement is laid on the Table of the House. [*See* Appendix XI, annexure No. 56]

'Andha Shishi' WEED

***1980. Shri U. M. Trivedi:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Unstarred Question No. 775 on the 6th April, 1956 and state:

(a) whether any steps have been taken for spraying 2-4-D Ethyl Easter to destroy the weed 'Andha Shishi';

(b) if so, where and with what results; and

(c) whether Government will distribute this weedicide before the end of the next monsoon to the cultivators in Rajasthan and Madhya Bharat?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No large scale spraying on cultivators' fields has been undertaken. Only experimental spraying has been carried out so far.

(b) In Bombay and Bhopal States and IARI at New Delhi. It has been found that 2-4-D Ethly Easter can effectively control this weed.

(c) No. Government does not distribute weedicides but recommends their use to cultivators who may purchase them from the market.

FERTILIZERS

***1985. Sardar Iqbal Singh:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 1602 on the 9th September, 1955 and state:

(a) whether final decision has since been taken in regard to the reduction in the prices of fertilizers; and

(b) if so, the rate at which fertilizers will be available to cultivators this year?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes Sir. It was not found possible to reduce the pool price of Sulphate of Ammonia during 1955. Although a final decision regarding the price for 1956 has not yet been taken, it does not appear possible to make any reduction this year also in view of the high cost of imported material.

(b) A statement is laid on the Table of the Lok Sabha. [*See* Appendix XI, annexure No. 57]

TRACTOR TESTING STATION

***1990. Shri Shree Narayan Das:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that Government have decided to start India's first Tractor Testing Station at Bairagarh; and

(b) if so, the steps taken in this direction?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) It has not yet been decided where the Tractor Testing Station will be located.

(b) Does not arise.

RESERVATION OF POSTS FOR ANGLO-INDIANS IN RAILWAYS

***1994. Shri Frank Anthony:** Will the Minister of **Railways** be pleased to state :

(a) the number of posts reserved for the Anglo-Indian Community on each of the Railways during 1955-56; and

(b) the actual number of posts filled by Anglo-Indians on each Railway. during the same period?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Information for the calendar year 1955 is available and is shown in the statement placed on the Table of the House. [*See* Appendix XI, annexure No. 58]

FERRY SERVICE AT MANIHARI GHAT

***2001. Shri K. P. Tripathi:** Will the Minister of **Railways** be pleased to state whether there is any proposal under consideration to place wagon ferry at Manihari Ghat instead of the barges as at present?

The Deputy Minister of Railways and Transport (Shri Alagesan): There is no such proposal at present under consideration.

WATER SCARCITY IN JHARIA COAL FIELDS

***2002. Shri Shree Narayan Das:** Will the Minister of **Labour** be pleased to state :

(a) whether the attention of Government has been drawn to a P.T.I. Report published in the Hindustan Times of the 24th April, saying that water is selling at six to eight annas a gallon in Jharia Coal Fields;

(b) if so, whether any precise information from the Government of Bihar has been asked for : and

(c) the steps taken to remove this distress?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) and (c). The Bihar Government has informed us that thanks to the steps taken by the Jharia Water Board to supplement its former source of supply from the Topchanchi Lake, it has been able to make satisfactory supplies. This Board is the main source of water supply in these coalfields. As regards areas not served by the Board, the water level in many wells has gone down, as also supply from pit water. The rains have been very poor in the last two years. In these areas, water carriers have increased their rates. The Bihar Government consider that the Dhanbad Municipality and other parties concerned are taking all possible action to improve supplies.

BREACHES IN ASSAM RAIL LINK

***2003. Shri K. P. Tripathi:** Will the Minister of **Railways** be pleased to state :

(a) the losses incurred in costs of repairs, loss of traffic, number of days lost due to breaches in the North Eastern Railway in North Bengal and Assam by the link :

(b) the schemes under consideration for prevention of these breaches ;

(c) whether any schemes have been accepted for execution ; and

(d) whether the Assam Government have requested for any additional re-alignment of the North Eastern Railway between Alipur Duar and Siliguri?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Presumably the hon. Member is referring to the breaches that occurred in 1955. The cost of repairs to breaches including temporary and permanent restoration was Rs. 52 lakhs and the number of days during which the traffic remained suspended was 65 days. However, the loss to traffic cannot be calculated with any degree of accuracy.

(b) A committee has been set up to examine the general question of stabilisation of the link route and suggest remedial measures.

(c) Some schemes that are obviously necessary are already under execution.

(d) Yes.

PUBLIC CALL OFFICES AT RAILWAY STATIONS

1798. **Shri Karni Singhji:** Will the Minister of **Communications** be pleased to state :

(a) whether there is a proposal to provide Public Call Offices at Railway Stations where Postal Department telephones already exist ; and

(b) if so, whether Bikaner, Sardarshahr, Sujangarh, Ratangarh and Churu on the Northern Railway (Bikaner Division) will be provided with public telephones?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) It has been the policy of the P. and T. Department to open Public Call Offices at Railway Stations wherever there is a reasonable demand for the same provided telephone exchanges exist at those places.

(b) A Public Call Office exists at Bikaner Railway Station. There is no proposal at present to open Public Call Offices at railway stations of Sujangarh, Sardarshahr, Ratangarh and Churu.

सीसे के कारखाने में मजदूर

१७९९. **श्री बलवन्त सिंह मेहता :** क्या **श्रम** मंत्री यह बताने की कृपा करेंगे कि :

(क) कटरासगढ़ (बिहार) में सीसे के कारखाने में मजदूरों की संख्या कितनी है;

(ख) क्या यह सच है कि वहां पर उनके रहने और दवा दारू की पर्याप्त व्यवस्था नहीं है; और

(ग) यदि हां, तो इन सुविधाओं को सुधारने के लिये क्या कार्यवाही की जा रही है ?

श्रम उपमंत्री (श्री आबिद अली) : सूचना प्राप्त की जा रही है जो कुछ समय पश्चात् सभा-पटल पर रख दी जायेगी ।

PASSENGER AMENITIES

1800. **Shri Hem Raj :** Will the Minister of **Railways** be pleased to state :

(a) the passenger amenities which were proposed to be provided on the Kangra Valley Section of the Northern Railway under the First Five Year Plan ; and

(b) the amenities which have been provided up to the end of March, 1956?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) The following passenger amenities were proposed to be provided during the First Five Year Plan :—

(i) Providing waiting accommodation for passengers at Samloti.

(ii) Providing cement concrete coping to rail level passenger platform at Nagrota.

(iii) Replacing worn out sleeper coping of passenger platforms with shingle and cement concrete coping at Kangra, Nurpur Road. Mangwal, Kopar Lehar, Annur Talara and Janwala Shehr.

(iv) Provision of cement shingle coping to rail level passenger platforms at Bharmar and Samloti.

(v) Electrification of Railway Stations, Kangra, Nagrota, Palampur, Baijnath Paprola and Joginder Nagar.

(vi) Extension to waiting halls at Paror and Annur.

.(vii) Providing Ghara Shelters at Bharmar, Guler and Kopar Lehar.

(viii) Providing gable and over the existing 3rd class waiting hall at Nagrota.

(b) All of them have been completed by March 1956 except the extension to waiting hall at Annur which work has been held in abeyance for the present on account of a proposal to rebuild the station building.

POSTAL FACILITIES IN PUNJAB

1801. **Shri Hem Raj :** Will the Minister of **Communications** be pleased to state :

(a) the number and names of the places where post offices, telegraph offices and telephone public call offices were proposed to be opened during the First Five Year Plan in Punjab ; and

(b) the number and the names of the places where they have been opened up to the end of March, 1956?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) and (b). The information is being collected and will be placed on the Table of the Lok Sabha in due course.

TICKETLESS TRAVELLING

1802. Shri Deogam: Will the Minister of **Railways** be pleased to refer to the reply given to Unstarred Question No. 997 on the 19th September, 1955 and state :

(a) the precautions that were taken to stop ticketless travelling on the New Year Day in the Sough-Eastern Railway in the district of Singhbhum;

(b) the number of ticketless travellers detected on that day ; and

(c) the action taken against them?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) A establishment is attached. [*See* Appendix XI, annexure 59.]

(b) 322.

(c) Excess fare and penalty to the extent of Rs. 283-15-0 and 121-8-0 respectively were realised from them.

IMPORT OF FOODGRAINS

1803. Shri Ram Krishan: Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether it is a fact that Government propose to import foodgrains to build a reserve ; and

(b) if so, the details of the scheme thereof?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes, Sir.

(b) The details of the scheme are under consideration.

TELEGRAPH OFFICES IN MOHINDERGARH

1804. Shri Ram Krishan: Will the Minister of **Communications** be pleased to state :

(a) the number of Telegraph offices in District of Mohindergarh in Pepsu;

(b) the names of the places where these offices are situated ;

(c) whether Government propose to increase the number of Telegraph offices in the District of Mohindergarh during the next year and the Second Five Year Plan ; and

(d) if so, the details thereof?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Six on 31-3-56.

(b) Narnaul, Bawal, Delmiadadri, Mohindergarh, Kanina and Narnaul City.

(c) and (d). There is no sanctioned proposal at present (District and tehsil headquarters being already provided with telegraph facilities) but fresh proposals, if any, can be examined and telegraph offices opened where justified.

AHMEDABAD-DELHI MAIL

1805. Shri Ram Krishan: Will the Minister of **Railways** be pleased to state :

(a) the number of days on which Ahmedabad-Delhi Mail 201 Up & 202 Down reached late at Ahmedabad and Delhi stations during the months of January, February and March, 1956; and

(b) if so, the reasons thereof?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a)

Month	*No. of days* 201 *Up arrived Ahmedabad late*	*No. of days* 202 *Dn. arrived Delhi late*
January	3	8
February	22	8
March	30	22

(b) Late running was mainly due to the increased tempo of works for opening the double line between Sabarmati and Kalol by the middle of April. The position has since improved. During the period 1-4-56 to 20-4-56, 201 Up arrived late at Ahmedabad on 7 days and 202 Dn late at Delhi on 5 days.

BUGS ON TRAINS

1806. Shri Dabhi: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the new coaches attached to the Janata Express Train running between Ahmedabad and Bombay are constructed in such a way that numerous bugs have found their way therein and do not allow the passengers to sleep during the night; and

(b) if so, whether Government have taken any steps to put an end to this state of affairs?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir.

(b) Does not arise.

AHMEDABAD-DELHI TRAINS

1807. Shri Dabhi: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that most of the passenger coaches, including First Class ones, attached to the trains running between Ahmedabad and Delhi are overaged; and

(b) if so, whether Government intend to replace them by new ones?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir. Only 7 out of 129 passenger coaches used on these trains are overaged.

(b) The overaged coaches will be replaced by new ones as soon as new coaches are available for replacement on priority basis.

रेलवे यातायात

१८०८. श्री विभूति मिश्र : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि नवम्बर १९५५ से विभिन्न रेलवे महाखंडों में, उन स्थानों को छोड़कर जहां लोहे के कारखाने बन रहे हैं, माल और यात्रियों का यातायात बढ़ गया है; और

(ख) यदि हां, तो माल और यात्रियों के बढ़े हुये यातायात को ढोने के लिये सरकार ने क्या प्रबन्ध किये हैं ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) जी हां ।

(ख) यातायात के लिए जो व्यवस्था की गयी है उसका ब्योरा संक्षेप में इस प्रकार है :—

माल यातायात

(i) नये क्रासिंग स्टेशन खोलकर, लूप लाइनों को बढ़ाकर और यार्ड में अधिक सुविधा देकर लाइन की क्षमता बढ़ायी गयी और इस तरह अधिक गाड़ियां चलायी गयीं ।

(ii) क्षतिग्रस्त डिब्बों की मामूली मरम्मत 'सिक लाइन' में न करके यार्ड में की गयी ताकि खराब डिब्बों की संख्या घटायी जा सके ।

(iii) माल-गाड़ियों की सर्विस में सुधार करने के लिए उत्पादन केन्द्र के अलावा खास-खास मार्शलिंग यार्डों से भी ब्लाक स्पेशल चलायी गयीं ।

(iv) माल गोदाम के काम के घंटों को बढ़ाया गया ताकि व्यापारी 'फ्री टाइम' के अन्दर अपने माल छुड़ाकर डिब्बे खाली कर दें ।

(v) स्टेशन पर माल पहुंचने के बाद अलग-अलग स्टेशनों के डिब्बों में उसकी लदान और फुटकर माल की लदान पर पूरी निगरानी रखी जा रही है ताकि पूरे डिब्बे वाले माल के लिए डिब्बे मिल सकें ।

(vi) माल-डिब्बों के इस्तेमाल में सुधार करने के लिए रीजनल और डिस्ट्रिक्ट हेडक्वार्टर्स में एक वैगन चेंजिंग संगठन बनाया गया है ।

(vii) माल-यातायात के लिए अधिक डिब्बे मिल सकें, इसके लिये मार्शलिंग यार्ड, आखिरी और यानांतरण स्टेशनों पर माल-डिब्बों का ठहराव कम करके और माल गाड़ियों की चाल बढ़ाकर प्रति माल-डिब्बा दिन, डिब्बा-मील बढ़ाकर डिब्बों के इस्तेमाल में सुधार किया गया ।

यात्री यातायात

(i) अधिक गाड़ियां चलायी गयीं या चालू गाड़ियों का चालन क्षेत्र (run) बढ़ाया गया ।

(ii) जहां तक हो सका गाड़ियों में अधिक डिब्बे लगाये गये ।

(iii) पर्यटकों और विवाह पार्टियों के लिए स्पेशल गाड़ियां चलायी गयीं ।

RAILWAY STORES

1809. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state:

(a) the total value of stores purchased in foreign countries by the Indian Railways during 1954-55; and

(b) the value of stores purchased in India during that year?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Rs. 11·28 crores.

(b) *Rs. 96·40 crores.

ANTI-CORRUPTION DEPARTMENT IN NORTHERN RAILWAY

1810. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state the number of cases detected by the Anti-Corruption Department functioning in the Northern Railway during 1954-55?

The Deputy Minister of Railways and Transport (Shri Alagesan): 123 cases in 1954 and 94 in 1955.

CHITTARANJAN LOCOMOTIVE WORKS

1811. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state:

(a) the number of employees category-wise, employed in the Chittaranjan Locomotive Works; and

(b) the number of Scheduled Castes and Scheduled Tribes amongst them?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). A statement giving the necessary information is attached. [*See* Appendix XI, annexure No. 60]

ERNAKULAM TELEPHONE EXCHANGE

1812. Shri Velayudhan: Will the Minister of **Communications** be pleased to state the measures which Government have taken to relieve the heavy load of telephone requirements in the Ernakulam Exchange, Travancore-Cochin State?

The Minister in the Ministry of Communications (Shri Raj Bahadur): The expansion of the exchange by 200 lines, *i.e.* from 600 to 800 lines, is included in this year's programme.

POSTS AND TELEGRAPHS EMPLOYEES

1813. Shri Velayudhan: Will the Minister of **Communications** be pleased to state:

(a) whether Government have been providing uniforms to postmen since the year 1950 regularly; and

(b) if so, the amount spent annually in the Madras (Southern) region?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Yes.

(b)

	Rs. (Figs. in thousands)
1949-50	94
1950-51	314
1951-52	125
1952-53	271
1953-54	292
1954-55	357

The above figures include cost of uniforms to postmen and also other class IV officials working in the post offices in Madras Circle

WESTERN RAILWAY REGIONAL OFFICE, AJMER

1814. Shri Bheekha Bhai: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the Western Railway Administration held a selection for Chief Clerk, Regional Office, Ajmer, for the first time which was cancelled without declaring results;

(b) if so, the circumstances under which the same was cancelled;

(c) whether it is also a fact that a second selection was held and the person recommended on the top of the first test was dropped from the list in second list; and

(d) if so, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Yes, Sir. The recommendations of the Selection Board were not approved by the competent authority as it came to notice that some eligible staff had been inadvertently omitted to be considered and some other staff not eligible to be considered had come to be placed before the Selection Board.

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*This includes Rs. 12·75 crores representing the value of imported materials purchased through agents in India.

(c) and (d). A second selection was held. One of the junior persons who had earlier been placed at the top of the list came to be assigned third place in the second list by the Selection Board.

KATIHAR AND BARJOI RAILWAY LINE

1815. Shri M. Islamuddin: Will the Minister of **Railways** be pleased to refer to reply given to part (c) of the Unstarred Question No. 463 on the 13th December, 1955 and state:

(a) whether the preliminary engineering survey for doubling the Railway line between Katihar and Barjoi on the North Eastern Railway has been made;

(b) if so, the results of the survey;

(c) when the work will start; and

(d) when it will be completed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). The Preliminary Engineering Survey for doubling the railway line between Katihar and Barjoi has just been completed and the Survey Report is under preparation by the North Eastern Railway Administration.

(c) and (d). The construction of this doubling will be considered after the survey Report has been received and examined by the Railway Board. It is, therefore, too early to say if and when the work will be started and completed.

TELEPHONE EXCHANGE (PURNEA)

1816. Shri M. Islamuddin: Will the Minister of **Communications** be pleased to refer to the reply given to Starred Question No. 924 on the 16th December, 1955 and state:

(a) whether the capacity of the Telephone Exchange at Purnea (Bihar) has been increased further; and

(b) if so, to what extent?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Yes.

(b) From 50 to 100 lines.

TOURISM

1817. { Mulla Abdullabhai:
Shri Madiah Gowda:

Will the Minister of **Transport** be pleased to state the amount spent, on press publicity for the development of tourism, in India and outside in 1954-55?

The Deputy Minister of Railways and Transport (Shri Alagesan): India Rs. 6,798. Foreign countries 93,000.

CENSORSHIP OF TELEGRAMS

1818. Shri Rishang Keishing: Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that telegrams including press messages sent by different political parties and press correspondents were either censored or suppressed in Imphal Telegraph Office during 15th November, 1954 up to the end of April, 1955;

(b) if so, the number of telegrams suppressed which were addressed to Prime Minister and Central Cabinet Ministers and also the number of press telegrams suppressed; and

(c) whether the amounts collected in case of censored or suppressed telegrams in the Imphal Telegraph Office were refunded to the senders?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Two telegrams, one private and one press, containing exaggerated accounts prejudicial to public safety were detained at Imphal Telegraph Office during the period 15-11-54 to 30-4-55 under order of the Chief Commissioner of Manipur (Government) in exercise of the powers conferred by Sub-Section I(b) of Section 5 of the Indian Telegraph Act (XIII of 1885) which was served on the Postmaster, Imphal.

(b) One private telegram addressed to "STATES MINISTER" and one Press telegram to a News Agency.

(c) So far as the Press telegram is concerned, the question of refund does not arise as the telegram had not been paid for and was not despatched. Regarding the private telegram, the sender was duly informed of non-transmission and it is presumed he had obtained the refund.

INDUSTRIAL DISPUTES

1819. Dr. Natabar Pandey: Will the Minister of **Labour** be pleased to state:

(a) the number of industrial disputes recorded and settled, Industry-wise during the years 1953-54, 1954-55 and 1955-56; and

(b) the number of disputes settled at the level of (i) Conciliation Officers, (ii) Regional Labour Commissioner, and (iii) the Chief Labour Commissioner?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). Two statements giving the required information, in so far as the Central Government is concerned, are attached. [*See* Appendix XI, annexure No. 61]

MOBILE POST OFFICES

1820. Shri Balakrishnan: Will the Minister of **Communications** be pleased to state the number of Mobile Post Offices which are in operation in Madras State at present?

The Minister in the Ministry of Communications (Shri Raj Bahadur): One.

RAILWAY TIME-TABLES

1821. Shri Ram Krishan: Will the Minister of **Railways** be pleased to state:

(a) the total number of suggestions received from Members of Parliament for their incorporation in the Time-Tables of the various Railways coming into force from the 1st April, 1956, Railway-wise; and

(b) the number of such proposals which were actually incorporated in the above-mentioned Time-Tables, Railway-wise?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a)

Western	11
Northern	12
Eastern	5
Southern	11
Central	14
North-Eastern	51
South-Eastern	4
Total	108

(b)

Western	...
Northern	1
Eastern	...
Southern	1
Central	1
North-Eastern	7
South-Eastern	...
Total	10

MINERS' QUARTERS AT BHULI

1822. Shri T. B. Vittal Rao: Will the Minister of **Railways** be pleased to state:

(a) whether the Railway Board is contemplating to purchase the quarters at Bhuli built for miners by the Coal Mines Labour Welfare Fund Organisation; and

(b) if so, the number of quarters likely to be taken up?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir.

(b) Does not arise.

तार और टेलीफोन प्रणालियां

१८२३. श्री भक्त दर्शन : क्या **संचार** मंत्री १६ दिसम्बर, १९५५ के तारांकित प्रश्न संख्या ८९६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या भूतपूर्व देशी रियासतों की तार व टेलीफोन प्रणालियों को उन्नत व परिष्कृत करने से सम्बन्धित सारी जानकारी अब एकत्र कर ली गई है; और

(ख) यदि हां, तो क्या उसे लोक-सभा पटल पर रखा जायेगा ?

संचार मंत्रालय में मंत्री (श्री राज बहादुर) : (क) तथा (ख). मांगी गयी सूचना संलग्न विवरण पत्रों में दी गयी है । [**देखिये परिशिष्ट ११, अनुबन्ध सं० ६२**]

BUILDINGS FOR POSTS AND TELEGRAPHS DEPARTMENT

1824. Shri S. C. Samanta : Will the Minister of **Communications** be pleased to state :

(a) how far the construction of buildings of Posts and Telegraphs Department by C.P.W.D. has progressed during 1955-56 ;

(b) the amount allotted for the purpose which has lapsed during the above period ; and

(c) the staff quarters constructed during the above period (circle-wise)?

The Minister in the Ministry of Communications (Shri Raj Bahadur) : (a) Buildings costing about Rs. 90 lakhs were constructed by the C.P.W.D. for the P. & T. Department during 1955-56.

(b) Nearly equal amount.

(C) Circle.	Number of quarters constructed during 1955-56
Bengal	43
Bihar	83
U. P.	4
Punjab	38
Central	12
Bombay	94
Madras	39
Assam	94
Orissa	51
Andhra	70
Delhi	255
Rajasthan	95
Hyderabad	5
Bombay Telephone District	4
Total	887

TUNGABHADRA CANAL

1825. Shri Shivananjappa : Will the Minister of **Food and Agriculture** be pleased to state whether any pilot scheme to demonstrate the potentialities of land reclamation through heavy machinery has been sanctioned in Hyderabad, Andhra or Mysore State which receive water supply from Tungabhadra Canal?

The Minister of Food and Agriculture (Shri A. P. Jain) : No.

REGIONAL TOURISTS TRAFFIC ADVISORY COMMITTEE

1826. Shri Madiah Gowda : Will the Minister of **Transport** be pleased to state :

(a) the names of members of the Madras Regional Tourists Traffic Advisory Committee ; and

(b) the interest each of them represents?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). A statement giving the required information is attached. [*See* Appendix XI, annexure No. 63]

STATE TOURISTS ADVISORY COMMITTEES

1827. Shri Madiah Gowda : Will the Minister of **Transport** be pleased to state whether and if so, how much financial help is given to the State Tourists Advisory Committees?

The Deputy Minister of Railways and Transport (Shri Alagesan) : No financial help is given to these Committees.

पीलिया

१८२८. **श्री भक्त दर्शन** : क्या **स्वास्थ्य** मंत्री यह बताने की कृपा करेंगी कि :

(क) क्या यह सच है कि जब पिछली बार दिल्ली में पीलिया का प्रकोप हुआ था तो अनेक सरकारी कर्मचारी भी इस रोग में ग्रस्त हुए थे;

(ख) इस रोग से कितने कर्मचारी मरे; और

(ग) उनकी चिकित्सा के लिये सवेतन छुट्टी आदि के रूप में उन्हें क्या-क्या सुविधायें दी गईं ?

The Minister of Health (Rajkumari Amrit Kaur) : (a) Some employees of the Government of India suffered from the disease.

(b) Information is being collected and will be laid on the Table of the Lok Sabha in due course.

(c) Leave was granted under the normal rules and adequate facilities for treatment and hospitalisation of Government employees were provided under the Contributory Health Service Scheme.

OVERSEAS COMMUNICATIONS SERVICE

1829. Shri Nambiar: Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that residential accommodation is not provided to clerical and operating staff of the Overseas Communications Service in New Delhi, whilst the supervisory staff get these facilities; and

(b) if so, the reasons for this anomaly?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) and (b). All categories of staff of the Overseas Communications Service are entitled to residential accommodation from the 'general pool'. In addition, 21 quarters have been placed at the disposal of the Overseas Communications Service for allotment to their 'key staff', both traffic and engineering, whose duties are important from the operational point of view.

OVERSEAS COMMUNICATIONS SERVICE

1830. Shri Nambiar: Will the Minister of **Communications** be pleased to state whether it is a fact that appointments and promotions to Assistant Supervisor's post in the Overseas Communications Service, New Delhi are made on "Selection Basis" and not on the basis of seniority?

The Minister in the Ministry of Communications (Shri Raj Bahadur): The posts of Assistant Supervisors are filled on the basis of selection from the Senior Telegraphists in the Overseas Communications Service.

HOUSE RENT ALLOWANCE IN P. & T. DEPARTMENT

1831. Shri Nambiar: Will the Minister of **Communications** be pleased to state:

(a) whether Government have received the memorandum No. F. 6(5)-E. II-53, dated the 9th May, 1953, of the Ministry of Finance;

(b) whether the memo lays down revised procedure in calculating the rate of house rent allowance in lieu of free quarters granted to the Postmasters;

(c) whether in para 11 of the said memo it has been clarified that these orders will be given effect to from the 1st April, 1953;

(d) whether the Director General, Posts and Telegraphs, in his memo No. PE/8/2/54, dated the 31st May, 1955, has stated that these revised rates should be given effect to from the 31st May, 1955 and not from the 1st April, 1953;

(e) whether instructions will be issued to the Director General to modify his orders so as to give effect to the revised rates from the 1st April, 1953, to confirm with the decision of Ministry of Finance; and

(f) if not, why not?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) Yes.

(b) The orders in question lay down the general principles of the revised procedure and no specific reference was made to the cases of Postmasters.

(c) Yes.

(d) Yes. Doubt arose as to whether the calculations should be on the average of the time-scales of pay of the different categories of the staff or the actual pay should be the basis. A decision was taken in May, 1955, that the average of the time-scale of pay should be the basis.

(e) No.

(f) The normal policy is to give effect to such decisions involving financial implications from the date of issue of the orders and this was done in this case. Since, however, in some cases payment had already been made, no recovery of the amounts already paid was insisted upon. The rules prescribed house rent allowance not exceeding 10 per cent. of average pay and amount in each case is determined by Heads of Circles. As the allowances already paid to Postmasters must have been fixed with reference to the merits of each case no hardship was thought to be involved. If there were any cases where hardship had been caused, they would be examined.

MATHURA-DELHI RAILWAY LINE

1832. Shri U. M. Trivedi: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that no progress has been made in doubling the line between Mathura and Delhi since October, 1954;

(b) if so, the reasons therefor; and

(c) when this work is going to be completed?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Only the work of the doubling of some portions had been approved and this was completed by October, 1954. The doubling of the remaining sections between Mathura and Delhi was sanctioned recently and work has been commenced from February 1956.

(c) The work is expected to be completed by the first quarter of 1958.

EMPLOYMENT EXCHANGE, KURNOOL

1833. Shri Gadilingana Gowd: Will the Minister of **Labour** be pleased to state:

(a) the number of persons registered in the Employment Exchange during 1954-55 and 1955-56 in Kurnool Division (Andhra); and

(b) the number out of them who have been provided with jobs?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The required information is given below:

Year	*Number registered*	*Number Placed*
1954-55	6,299	759
1955-56	7,139	1,041

AERODROMES IN ANDHRA

1834. Shri Gadilingana Gowd: Will the Minister of **Communications** be pleased to state:

(a) the new aerodromes constructed in Andhra under the First Five Year Plan;

(b) the total amount of expenditure incurred on them;

(c) whether any provision has been made to construct more aerodromes in Andhra under the Second Five Year Plan; and

(d) if so, the names of places where they are to be constructed and approximate amount to be spent on them?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) No new aerodromes were constructed in Andhra, under the First Five Year Plan.

(b) Does not arise.

(c) and (d). Construction of an aerodrome at Kurnool at an estimated cost of Rs. 15 lakhs has been provisionally included in the Second Five Year Plan.

POSTS AND TELEGRAPHS BUILDINGS

1835. Shri Gadilingana Gowd: Will the Minister of **Communications** be pleased to state the amount allotted for the construction of Posts and Telegraphs buildings in the Andhra State for the year 1955-56?

The Minister in the Ministry of Communications (Shri Raj Bahadur): A sum of Rs. 4,09,600 was provided during 1955-56 for constructing P. & T. Department buildings in the Andhra State.

WATER SUPPLY IN RAJASTHAN

1836. Shri Balwant Sinha Mehta: Will the Minister of **Health** be pleased to state:

(a) the amount of money so far allotted to Rajasthan for sinking wells for drinking water in the rural areas;

(b) the number of wells so far sunk and how many are likely to be completed by the end of this year; and

(c) the number of villages where there are no facilities for the drinking water?

The Minister of Health (Rajkumari Amrit Kaur): (a) Under the National Water Supply and Sanitation Scheme of the Ministry of Health, a sum of Rs. 20.6 lakhs has so far been paid to the Government of Rajasthan for their rural water supply schemes.

(b) and (c). Information is being collected and will be laid on the Table of the Lok Sabha in due course.

FODDER

1838. Shri Hem Raj: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the different kinds of grasses used as fodder and evolved for milch and drought cattle of the plains and the hills in the irrigated and dry areas respectively, State-wise; and

(b) the steps taken by Government to popularise them amongst agriculturists?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) and (b). A statement is attached. [*See* Appendix XI, annexure No. 64]

TECHNICAL TRAINING CENTRES

1839. Dr. Satyawadi: Will the Minister of **Labour** be pleased to state:

(a) the names of the technical training centres in the States of Punjab and Pepsu;

(b) the number of trainees at each Centre at present and number of Scheduled Castes Trainees among them; and

(c) the names of trades in which the training is given in these centres?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c). The required information is given in the statement attached. [*See* Appendix XI. annexure No. 65]

RAILWAY TRAFFIC

1840. Shri Radha Raman: Will the Minister of **Railways** be pleased to state:

(a) whether the Northern Railway have drawn up any master plan to deal with the increased traffic;

(b) if so, its nature and the estimated expenditure involved; and

(c) when its implementation is expected to commence and how long it will take to complete the same?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) It is not clear what is meant by a Master Plan, but if it refers to the Second Five Year Plan, a draft outline plan has been drawn up for the Northern Railway.

(b) This Plan provides for rehabilitation of track and rolling stock, increase of line capacity, workshops expansions, staff welfare work and amenities for passengers, etc. Detailed estimate have not yet been made, except for the work which is to be done in 1956-57. The approximate cost of the total Plan would be of the order of Rs. 150 crores. The sanctioned programme for 1956-57 provides for an expenditure of Rs. 18·34 crores.

(c) Implementation of the Second Five Year Plan was commenced on 1-4-56 and will end on 31-3-61.

RAILWAY RESERVATION INSPECTORS

1841. Dr. D. Ramachander: Will the Minister of **Railways** be pleased to state:

(a) the Railway stations where there are Reservation Inspectors; and

(b) how many Reservation Inspectors are working in each Railway?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). There is one Reservation Inspector on the Eastern Railway at Fairlie Place, Calcutta, and there are two on the Western Railway in the Reservation Office, Churchgate, Bombay.

COLOMBO PLAN

1842. Shri M. L. Agrawal: Will the Minister of **Health** be pleased to state:

(a) whether any Foreign Scholarships for Medical Studies in the United Kingdom under the Colombo Plan were sanctioned in 1954;

(b) if so, the names and qualifications of the scholars and the amounts and duration of the scholarships;

(c) whether these scholarships have been availed of by all to whom they were granted; and

(d) if not, why not?

The Minister of Health (Rajkumari Amrit Kaur): (a) No scholarship was given under the Colombo Plan, but only fellowships were granted.

(b) to (d). A statement containing the information is attached. [*See* Appendix XI, annexure No. 66]

RAILWAYS WIRELESS OPERATORS

1843. Shri M. S. Gurupadaswamy: Will the Minister of **Railways** be pleased to refer to the reply given to Unstarred Question No. 509 on the 30th March, 1955 and state:

(a) whether it is a fact that in spite of the assurance given on the floor of the Sabha, no steps have been taken so far to review the objections raised by the employees regarding the final seniority list of Wireless Operators of Northern Railway;

(b) whether it is also a fact that on account of this, junior operators of *Ex*-E.P. Railway have been officiating on higher posts thus superseding the claims of operators of other Railways and those operators are likely to be confirmed in higher posts soon;

(c) if the answer to parts (a) and (b) above be in the affirmative, the reasons therefor; and

(d) the steps taken or proposed to be taken by the Railway Board to remove the discontentment of employees on account of undue prolonged indecision of the administration to finalize the seniority list?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No assurance was given in reply to Question No. 509 of 30-3-55 but facts were stated. It has so far not been possible to draw up a final seniority list for want of information regarding service particulars which is awaited and is being obtained from N.W.Rly. (Pakistan).

(b) In the absence of final seniority lists, promotions are inevitably made on the basis of provisional seniority lists but confirmations will not be made until seniority is finally determined.

(c) Does not arise.

(d) The Railway Board will continue their efforts to obtain the service records but it has been decided that if these are not obtained by the 30th June, 1956, seniority will be finalised on the basis of available information.

TICKETLESS TRAVELLING

1844. Shri Ibrahim: Will the Minister of **Railways** be pleased to state the number of cases of Ticket Checkers and other Railway employees allowing passengers to travel without issue of tickets with a view to misappropriate the money which have been detected in 1954 and 1955?

The Deputy Minister of Railways and Transport (Shri Alagesan): 25 cases in 1954 and 38 in 1955.

B.C.G.

1845. Shri Ibrahim: Will the Minister of **Health** be pleased to state the number of persons who were inoculated with B.C.G. in Bihar State during 1955?

The Minister of Health (Rajkumari Amrit Kaur): 11,23,325.

ASSAM TO CALCUTTA AIR FREIGHT

1846. Shri K. P. Tripathi: Will the Minister of **Communications** be pleased to state :

(a) whether any request has been received from Assam Government for reduction in air freight for transport of fruits from Assam to Calcutta, and

(b) if so, the decisions taken thereon?

The Minister in the Ministry of Communications (Shri Raj Bahadur): (a) No, Sir.

(b) Does not arise.

'KUDZU VINE' FODDER

1847. Shri Deogam: Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether 'Kudzu Vine' is a very nutritious fodder and a heavy yielder; and

(b) if so, the steps taken to popularise it among the agriculturists and *Goshalas* in the country?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes.

(b) The potentialities of Kudzu Vine were ascertained by extensive trials at various centres. The results have been brought to the notice of all the State Governments and were also published in Indian Farming (January 1955 issue). The Community Project Administration have also recommended to the Development Commissioners to conduct trials with Kudzu Vine in Project Areas, the climatic conditions of which are suitable to the growth of the plant. Crowns of Kudzu Vine can be supplied by the Indian Agricultural Research Institute to a limited extent.

LEPERS

1848. Shri Deogam: Will the Minister of **Health** be pleased to state :

(a) the number of lepers in the country ;

(b) the number of beggars who are lepers ;

(c) the names of States mostly infested with lepers ;

(d) the number of leper asylums in the country and their location with the number of lepers in them ; and

(e) the steps taken by Government to segregate the lepers to ensure safety to the public?

The Minister of Health (Rajkumari Amrit Kaur): (a) The exact number of leprosy patients in India is not known. It is, however, estimated that there are at least 15 lakhs persons suffering from this disease in the country.

(b) The number of beggars suffering from leprosy is not known as no survey in this respect has so far been carried out.

(c) The disease is highly endemic in parts of Assam, West Bengal, Bihar Orissa, Madhya Pradesh, Madras Travancore-Cochin, Hyderabad, Uttar Pradesh and Bombay.

(d) A statement is laid on the table of the Lok Sabha. [*See* Appendix XI, annexure No. 67].

(e) The Report of the Committee for the Control of Leprosy, which contains recommendations regarding the steps to be taken for the segragation of leprosy patients, has been circulated to State Governments who are responsible for initiating such measures.

रेल-दुर्घटना

१८४९. श्री रघुनाथ सिंह : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि २४ अप्रैल, १९५६ को शिमला जाने वाली एक मालगाड़ी शिमला-कालका लाइन पर जबली और कोटी स्टेशनों के बीच दुर्घटनाग्रस्त हो गई ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन): २४–४–५६ को लगभग १० बजकर ५० मिनट पर जब डाउन स्पेशल मालगाड़ी उत्तर रेलवे के कालका-शिमला खण्ड पर जाबली और कोटी स्टेशनों के बीच जा रही थी, तो उसके इंजन के सभी पहिये पटरी से उतर गये और इंजन १०/७–८ मील पर उलट गया ।

RAILWAY TRAINING INSTITUTIONS

1850. Shri Bhagwat Jha Azad: Will the Minister of **Railways** be pleased to state:

(a) whether any institution to train porters and pointsmen has been opened in any Railway; and

(b) if so, where?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). Some Railways have institutions and others training centres—a statement showing their disposition is placed on the Table of the House. [*See* Appendix XI, annexure No. 68]

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LOK SABHA

Monday, 7th May, 1956

The Lok Sabha met at Hailf Past Ten of the Clock

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See* Part I)

11-38 A.M.

PAPERS LAID ON THE TABLE

STATEMENT CONTAINING CORRIGENDUM TO THE FINANCIAL MEMORANDUM APPENDED TO AGRICULTURAL PRODUCE (DEVELOPMENT AND WAREHOUSING) CORPORATIONS BILL

The Minister of Food and Agriculture (Shri A. P. Jain): I beg to lay on the Table a copy of the statement containing a corrigendum to the Financial Memorandum appended to the Agricultural Produce (Development and Warehousing) Corporations Bill, 1956, which was introduced in Lok Sabha on the 28th Februray 1956. [*See* Appendix XII, annexure No. 9]

STATEMENTS SHOWING ACTION TAKEN BY GOVERNMENT ASSURANCES

The Minister of Parliamentary Affairs (Shri Satya Narain Sinha): I beg to lay on the Table the following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various Sessions shown against each :—

(1) Supplementary Statement No. 1 Twelfth Session, 1956 of Lok Sabha. [*See* Appendix XII, Annexure No 1.]

(2) Supplementary Statement No. V Eleventh Session, 1955 of Lok Sabha. [*See* Appendix XII, Annexure No 2.]

(3) Supplementary Statement No. IX—Tenth Session, 1955 of Lok Sabha. [*See* Appendix XII, Annexure No 3.]

(4) Supplementary Statement No. XV Ninth Session, 1955 of Lok Sabha. [*See* Appendix XII, Annexure No 4.]

(5) Supplementary Statement No. XXI Seventh Session, 1954 of Lok Sabha. [*See* Appendix XII, Annexure No 5.]

(6) Supplementary Statement No. XXIX Sixth Session, 1954 of Lok Sabha. [*See* Appendix XII, Annexure No 6.]

(7) Supplementary Statement No. XXXIV Fifth Session, 1953 of Lok Sabha. [*See* Appendix XII, Annexure No 7.]

(8) Supplementary Statement No. XLIV—Third Session, 1953 of Lok Sabha. [*See* Appendix XII, Annexure No 8.]

PRESIDENT'S ASSENT TO BILL

Secretary: Sir, I have to inform the House that the Appropriation (No. 2) Bill, 1956, which was passed by the Houses of Parliament during the current Session was assented to by the President on the 28th April 1956.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following two messages received from the Secretary of Rajya Sabha:

> (i) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on 3rd May, 1956, agreed without any amendment to the St. John Ambulance Association (India) Transfer of Funds Bill, 1956, which has been passed by the Lok Sabha at its sitting held on the 18th February, 1956.
>
> (ii) "I am directed to inform the Lok Sabha that the Indian Red Cross Society (Amendment) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 18th February, 1956, has been passed by the Rajya Sabha at its sitting held on the 3rd May, 1956, with the following amendments:—
>
> *Clause* 8
>
> (1) That at page 2, lines 29-30, the words 'constituted under the Indian Red Cross Society Act, 1920' be *deleted.*
>
> *Clause* 9
>
> (2) That at page 3 line 8, *for* the word 'Convention' the word 'Conventions' be *substituted.*

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 126 of the Rules of Procedure and Conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendments be communicated to this House."

INDIAN RED CROSS SOCIETY (AMENDMENT) BILL

Secretary: Sir, I lay on the Table of the House the Indian Red Cross Society (Amendment) Bill 1956, which has been returned by Rajya Sabha with amendments.

BUSINESS ADVISORY COMMITTEE

THIRTY-FOURTH REPORT

Sardar Hukam Singh (Kapurthala-Bhatinda): I beg to present the Thirty-fourth Report of the Business Advisory Committee.

COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE

FOURTEENTH REPORT

Shri Dabhi (Kaira North): I beg to present the Fourteenth Report of the Committee on Absence of Members from the Sittings of the House.

I also lay a list showing names of Members who were continuously absent from the sittings of the House for 15 days or more during the Twelfth Session, 1956 (position as on 9-4-56).

ESTIMATES COMMITTEE

MINUTES, VOL. 4, NO. 2

श्री बी० जी० मेहता (गोहिलवाड): श्रीमान, में एस्टीमेट्स समिति (१९५४-५५) का कार्यवाही-सारांश खंड ४ अंक २ पेश करता हूं ।

HINDU SUCCESSION BILL—(Contd.)

Clause 10.—*Distribution of property among heirs in Class I of the Schedule)*

Mr. Speaker: The House will now take up further clause by clause consideration of the Bill to amend and codify the law relating to intestate succession among Hindus, as passed by the Rajya Sabha.

The other day we took up clauses 7 to 10. We also decided that having regard to the nature of the other clauses, clauses 11, 12 and 13 and the Schedule may also be taken together. Originally we fixed about 4 hours for the clauses and also the Schedule. We have spent 3 hours and 53 minutes. Anyhow, the Schedule also will have sometime. We have extended the time now to two hours more. Let us dispose of the clauses and the Schedule within those two hours.

When we adjourned consideration of the Bill the previous day, I was about to put to the vote of the House amendments relating to the share of the daughters, regarding clause 10.

I thought all the amendments were withdrawn. At this stage, Pandit Thakur Dasji said that permission ought to be granted to move any of them in view of any modification that may take place in the Schedule. I said I will consider the matter later as it was already past 3-30 and we had to take up Private Members' Business. I do not know if any commitment had been made to that effect, but, however, inasmuch as we are taking up all these now in some form or other, I will take a vote on the Schedule and, if the House by a good majority charges its views regarding the respective clauses, then I will consider the matter. I am not taking the clauses as a whole. All the amendments relating tc share have been withdrawn.

Shri V. G. Deshpande (Guna): But, regarding the unmarried daughter, I have given another amendment.

Mr. Speaker: I do not know about any other amendment. What we were considering was that in substitution of giving a daughter an equal share as is proposed under the proposed Bill, the hon. Member wanted that the unmarried daughter should be substituted with one-fourth share. Whatever that amendment means, it is not as if there is another daughter the hon. Member contemplates. He wanted that for the word 'daughter' the words 'unmarried daughter' shall be used. If the hon. Member wants to have some other change or introduce the married daughter, he should have said so.

Shri V. G. Deshpande: I have given new notice for amendment No. 230, for 'daughters' *substitute* 'unmarried daughters'.

Pandit Thakur Das Bhargava (Gurgaon) : Already there are so many amendments to that effect.

Mr. Speaker: I cannot go on adding. So, I will dispose of these and the discussion relating to Rule 2 of clause 10.

Regarding Rule 3, Pandit Thakur Das Bhargava said that he wanted to make some submission. Let him do so; I will put the clause to vote later on. The discussion on Rule 2 is over.

Are there any amendments to Rule 4 ? I think, there is none. So, the discussion on clause 10 is over. I will put it to vote when we come to the Schedule.

Are there any amendments to clauses 11 and 12?

Clauses 12 and 13

Shrimati Jayashri (Bombay-Suburban) : I want to draw the attention of the House to clauses 12 and 13.

Shri Seshagiri Rao (Nandyal): I have one amendment.

The Minister of Legal Affairs (Shri Pataskar): We have already passed clause 8. It lays down :

> "(a) first, upon the heirs, being the relatives specified in class I of the Schedule;
>
> (b) second, if there is no heir of class I, then upon the heirs, being the relatives specified in class II of the Schedule;
>
> (c) thirdly, if there is no heir of any of the two classes, then upon the agnates of the deceased; and
>
> (d) lastly, if there is no agnate, then upon the cognates of the deceased."

Clause 12 is unnecessary in view of clause 8(c) and clause 13 is unnecessary in view of clause 8(d), which we have already passed.

Mr. Speaker: They are not necessary; they may be omitted.

Then, they may be voted against.

The question is :

> "That Clauses 12 and 13 stand part of the Bill".

Shri S. S. More (Sholapur): As I understand it, what the hon. Minister said was that they are redundant.

Mr. Speaker: Porbably, the hon. Member wants me to rule them out.

Shri S. S. More: In view of clause 8(c) and clause 8(d), these are not necessary.

Shri C. C. Shah (Gohilwad-South) : The motion may be that clauses 12 and 13 be omitted.

Mr. Speaker: Clauses 12 and 13 are similar to clauses 8(c) and 8(d), and therefore, they are redundant. Therefore they will go out of the Bill. I am not placing them before the House.

Clauses 12 *and* 13 *were omitted from the Bill.*

Mr. Speaker: We come to clause 14. After that we come to the Schedule. I do not think we have any amendments to this clause. Now, let us take the Schedule.

Shri Pataskar: Similar is also the case of clause 15.

Mr. Speaker: I think there is one amendment to clause 15, amendment No. 76.

Shri K. P. Gounder (Erode): I do not move my amendment.

Mr. Speaker: Then, there is no amendment.

Shri V. G. Deshpande: I have given notice of amendments for adding 15A and 15B.

Shri S. S. More: They will come after 15.

Mr. Speaker: They will come later on; have they any relation to heirs or degrees?

Shri V. G. Deshpande: No.

Mr. Speaker: Then they will be taken in proper time.

The Schedule

Mr. Speaker: All the clauses relating to heirs and succession have been discussed. Let us discuss the Schedule. What are the amendments to the Schedule? Let us have first the amendments to class I.

Shrimati Sushama Sen (Bhagalpur South) : I have got an amendment.

Shri Barman (North Bengal—Reserved-Sch. Castes) : I have tabled an amendment today.

Mr. Speaker: Let me note down the amendments already tabled, and then, come to the rest.

Shri V. G. Deshpande: I have given notice of amendment No. 132.

Pandit Thakur Das Bhargava: My amendments are Nos. 43 to 51, 189 and 221.

Shri H. G. Vaishnav (Ambad): My amendments are Nos. 236 and 237.

Shri Krishna Chandra (Mathura Distt. —West) : I have given notice of amendments Nos. 227 and 228.

Shri Rane (Bhusaval): My amendment is No. 20.

Shri Barman: I have tabled an amendment only today suggesting the transfer of "mother" from class II to class I. I do not know the number of the amendment. It has not been given a number yet.

Mr. Speaker: It has not been circulated as yet. Anyhow, I will allow it. In the usual course, one would have expected to schedule to come up later at the end.

Shrimati Sushama Sen: I am trying to find out the number of my amendment.

Mr. Speaker: Has the Government got any amendment?

Shri Pataskar: None.

Mr. Speaker: What is the substance of the amendment of Shrimati Sushama Sen?

Shrimati Sushama Sen: The substance is that the father and the mother should be included in class I.

Shri Pataskar: What is the number of the amendment?

Mr. Speaker: She will find out and say.

Shrimati Renu Chakravartty (Basirhat) : In Shri Deshpande's amendment No. 132, it is mentioned "unmarried daughter (who is neither a widow nor a divorcee)". How can an unmarried daughter be ever a widow or a divorcee?

Shri V. G. Deshpande: "Unmarried" means without a husband. That is all. We should be very clear in these matters.

Mr. Speaker: "Unmarried" means without a husband for the time being. That is what the hon. Member says.

Shrimati Sushama Sen: My amendment is No. 223.

Mr. Speaker: Let all these amendments be moved. Shri Barman's amendment is No. 239.

Shri V. G. Deshpande: I beg to move:

Page 12—

for the Schedule, *Substitute* :

"THE SCHEDULE"

(*See* section 8)

Heirs in Class I and Class II

Class I

Son; son of a predeceased son; son of a predeceased son of a predeceased son; widow; widow of a predeceased son; widow of a predeceased son of a predeceased son; and unmarried daughter (who is neither a widow nor a divorcee).

Class II

1. Daughter (including a married, widow or divorced daughter);
2. Daughter's son;

3. Father, mother;

4. Son's daughter, daughter's daughter;

5. Brother;

6. Sister;

7. Son's daughter's son, son's daughter's daughter, son's son's daughter, daughter's daughter's son, daughter's son's son, daughter's daughter's daughter, daughter's son's daughter;

8. Brother's son, sister's son, brother's daughter, sister's daughter;

9. Father's father, father's mother;

10. Father's widow;

11. Brother's widow;

12. Father's brother;

13. Father's sister;

14. Mother's father, mother's mother;

15. Mother's brother;

16. Mother's sister."

Pandit Thakur Das Bhargava: I beg to move:

(i) Page 12, line 5—

for "Son" *substitute* "son and his wife".

(ii) Page 12, line 5—

for "daughter" *substitute* : "daughter and her husband".

(iii) Page 12, line 5 —

for "daughter" *substitute* : "unmarried daughter".

(iv) Page 12, lines 5 and 6 —

for "daughter of a predeceased son" *substitute* "unmarried daughter of a predeceased son".

(v) Page 12, line 6—

Omit "son of a predeceased daughter".

(vi) Page 12, lines 6 and 7—

Omit "daughter of a predeceased daughter".

(vii) Page 12, lines 8 and 9—

Omit "daughter of a predeceased son of a predeceased son".

(viii) Page 12, lines 8 and 9—

for "daughter of a predeceased son of a predeceased son" *substitute* :

"unmarried daughter of a predeceased son of a predeceased son".

(ix) page 12—

Omit lines 12 to 15.

(x) Page 12—

for lines 5 to 9, *substitute* :

"Son and his wife in equal shares; widow; unmarried daughter; son and his wife of a predeceased son; widow of a predeceased son; son and his wife of a predeceased son of a predeceased son; widow of a predeceased son; of a predeceased son."

(xi) That in the amendment proposed by me, printed as No. 189 in List No. 9 of Amendments—

add at the end :

"mother and father".

Shri H. G. Vaishnav: I beg to move:

(i) Page 12, lines 5 to 7—

Omit "daughter of a predeceased son; son of a predeceased daughter; daughter of a predeceased daughter".

(ii) Page 12 lines 8 and 9—

Omit "daughter of a predeceased son of a predeceased son"

Shri Krishna Chandra: I beg to move:

(i) Page 12—

for lines 4 to 10, *substitute* :

Class I

Widow

Class II

I. Son; daughter; son of a predeceased son; daughter of a predeceased son; son of a predeceased daughter; daughter of predeceased daughter; widow of a predeceased son; son of a predeceased son of a predeceased son; daughter of a predeceased son of a predeceased son; widow of a predeceased son of a predeceased son."

(ii) Page 12—

for lines 5 to 9, *substitute*:

"Son and his wife unmarried daughter; son of a predeceased son and his wife; daughter of a predeceased son; widow of a predeceased son; son of a predeceased son of a predeceased son and his wife; unmarried daughter of a predeceased son of a predeceased son; widow of a predeceased son of a predeceased son; widow mother."

Shri Rane: I beg to move:

Page 12—

(i) line 5 —

after "son of a predeceased son" *insert* :

"mother; father;" and

(ii) *Omit* line 11.

Shri Barman: I beg to move:

Page 12—

(i) line 5—

before "Son" *insert* "mother";

(ii) line 11—

Omit "mother"

Shrimati Sushama Sen (Bhagalpur-South): I beg to move:

Page 12—

(i) line 9, *add* at the end "father; mother"; and

(ii) *Omit* line 11.

Mr. Speaker: All these amendments are before the House for discussion. The hon. Member, Shri Vaishnav, may be brief. Let him explain without reading his amendments and state what exactly he wants to be done so that the House may follow him.

Shri H. G. Vaishnav: I have tabled amendments Nos. 236 and 237 to the effect that the heirs shown in class I of the Schedule should be reduced in number.

There are altogether 11 heirs mentioned in class I of the Schedule. I need not read out the whole list, but I think some of them should be omitted from the list. According to my amendments, four heirs should be omitted from the list. They are: daughter of a predeceased son; son of a predeceased daughter; daughter of a predeceased daughter; and daughter of a predeceased son of a predeceased son. After omitting these heirs, there will only remain seven heirs in the list—the son, the grandson and the great grandson, daughter, widow, son's widow, and grandson's widow.

I may give reasons for the omission of the four heirs mentioned by me from this list. The intention of the Bill is to give a share—that too an equal share—to a daughter. The status of the family will be raised by giving a due share to her in the property. But it does not mean that you should continue to give that share to her other heirs. Of course, there cannot be any objection to giving an equal share to the daughter. But if there is no daughter, what is the good of giving that share to the daughter's son and if the son is not there, even to the daughter's daughter or even to the daughter's grandson and so on? That means going too far in this connection. The daughter being closely related, every father will give or would like to give an equal share to her but if for some reason or other, the daughter does not exist at the time of opening of inheritance, it does not mean that the property must go to the daughter's son....

Shri S. S. More: It is not so ridiculous.

Shri H. G. Vaishnav: .....daughter's daughter and even beyond. That is not just at all, because the daughter's son will get his due share in his father's property; so also the daughter's daughter, according to this Bill, will get her due share in her father's and grandfather's properties. Giving again a share to them from the mother's father's property means going too far with the object of the Bill.

In the Hindu Code Bill and also in the report known as the Rau Committee Report, only these heirs as mentioned by me, are suggested who may be given the share in the property; the daughter only is included and not her heirs. Only these seven heirs should remain as class I heirs. That Committee had considered all aspects, legal and complicated and had come to the conclusion, so as to avoid further disturbance among the Hindu joint families, and, therefore, only these seven heirs should remain in the list under class I and no others.

There may be arguments on the other side. Questions may be put like this. When the daughter is given a share, why should the daughter's son and daughter be omitted? But, we have to consider the aim and object of this Bill. It is to give equal share to the daughter and not to the daughter's husband's family. They get their shares from the other sources from their own family. There is already a disturbing effect on the joint family system. There would be further disruption if such shares are given to all these persons who belong to the daughter's family. If this is done, they will not be in a position to enjoy the share, nor will there be any advantage to this family or to the family of the daughter. Sentiment should not come in the way of these things. We have decided that the daughters should get equal shares if they existed. If the daughter does not exist at the time of inheritance, we should not go further to give a share to her heirs.

12 Noon.

Mr. Speaker: Shri Vaishnav wants the omission of the daughter of a predeceased son, son of a predeceased daughter and daughter of a predeceased daughter. Shri Barman has tabled an amendment that the mother be transposed from Class II to Class I. Shrimati Sushama Sen wants both the father and mother to be transposed.

Shrimati Sushama Sen: I have now given an amendment that the mother alone should be transferred to class I.

Mr. Speaker: So, she wants that mother should be in class I. Shri Barman also has tabled an amendment.

Pandit Thakur Das Bhargava: I have got a similar amendment saying that mother and father may be included in Class I.

Mr. Speaker: I will group all these under these heads.

Shri Barman: I may explain that the purpose of my amendment is to transpose mother from class II to class I. That is the simple proposition. If she remains in class II, she is relegated to a position behind several other female heirs who were not formerly heirs under the existing law. The following heirs are now under class. If daughter of a predeceased son, son of a predeceased daughter, daughter of a predeceased daughter, widow of a predeceased son, daughter of a predeceased son of a predeceased son. All these female heirs get precedence over the mother. Under the Marumakkattavam system, the mother has got a very high place and the hon. Minister is willing to give her a special place in the Bill. In the Dayabhaga system also, the mother occupies a very high position, much better position than all the female heirs I have just now read out. We think that she is relegated to a hard and unjust position if she is removed from class I.

If mother is to be transposed from Class II to Class I, why not the father? This question is asked. It has been said that the father may have his own property. (*Interruptions.*) I submit that, if the father has not got property, he can earn and find for himself. I am personally willing to have both the father and mother in Class I. But, if that is not acceptable, my submission is that the mother at least must be transferred from Class II. In the coparcenary property, as we have now passed clause 6, the mother does not come into the picture at all. We have said in clause 6, that so far as the coparcenary property is concerned, it is only the heirs that are classified as Class I who will be entitled to inherit. The mother not being in Class I will not be able to inherit. That is an invidious distinction between the mother and the many other female heirs.

There is another point as regards the nature of the properties that might come up for devolution. If it is the inherited property from the ancestors it may be that the mother might have inherited from her husband. The intention of this House is to have a socialist pattern of society. Tenancy laws and land reform laws are being enacted in the different States. There will be practically very small property left for devolution. Most people will have to depend upon their own earnings. As time goes on, I think that it will be the separate property that will come for the purpose of devolution. In the case of separate property, the mother does not come in at all unless we transpose her to Class I. So far as coparcenary property is concerned, she is no heir at all. So, my sub-amendment is that the mother be taken from Class II and put in Class I.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I may say straightway at this stage that we are prepared, if I may say so, to promote the mother from the second list to the first list. As a matter of fact, the Joint Committee reported accordingly, but the Rajya Sabha thought it fit to place the mother with the father in the second group.

On all these questions, it is very difficult to be factually logical and say where to draw the line. Normally, I would have refrained from making many changes in this Bill, which has been considered very carefully by the Joint Committee and by the Rajya Sabha; of course if any change is considered necessary and desirable, it should be made. So far as the mother is concerned, I do feel that a valid argument has been raised and there may be possible cases of injustice to the mother. Therefore, it is on the whole desirable to have her on the first group. Also there is this advantage, I believe, that that would bring about a certain uniformity with the Malabar and South India laws too. But I would suggest that the father be not put in class I he should remain in the second group. Although, as I say, reasons can be advanced everywhere, but in the balance, I think it is better to leave him where he is. He has many other supports.

But I would urge the House. that apart from this change no other change be made in the Schedule. The Schedule

[Shri Jawaharlal Nehru]

has resulted after a great deal of thought and discussion for long periods, and I do submit that it is desirable to accept it as it is, except for the change that I have suggested.

Shri V. G. Deshpande: Mr. Speaker, the Prime Minister has just now made a suggestion that except for the one change which the Joint Committee has made no change in the Schedule should be made and that it should remain as it is. But I differ from the suggestion he has made, though I agree with him that the mother should be in class I of the Schedule. That was my opinion from the very beginning. She should have been in class I, but somehow the Upper House thought it fit to omit the mother.

But my point here is this. The list in class I is already very long. It is not only a question of the length of the list, but it is the opinion of most of the jurists that if there are eleven simultaneous heirs, and now with the blessings of the Prime Minister it will be increased to 12, ...

Shri Jawaharlal Nehru: They are not all simultaneous heirs, because the son and the son's son will not inherit at the same time.

Shri V. G. Deshpande: They can inherit. If there are two sons and if one son is living and the other is not living......

Shri Jawaharlal Nehru: They are only branches which are simultaneous.

Shri V. G. Deshpande: Anyway they are called simultaneous heirs and there is no need for any argument on that point. My point is this. There is a long list of simultaneous heirs and that will lead to fragmentation because now the property will be broken into so many pieces. Therefore, as Shri H. G. Vaishnav has suggested—I have also made a similar suggestion—out of these 11 heirs 5 may be omitted.

In addition to this, I have to make very seriously another suggestion. I have given notice of an amendment and if the Speaker permits me I will be able to move that amendment. I do not know whether I will be permitted or not. Even if I am not able to move that amendment, I will just place before the House my view point. We have made a change, by clause 6, in the Mitakshara law of inheritance. By that the coparceners' interest is inherited equally among sons, daughters, widow, daughter-in-law and so on. Now what will happen is, if we keep in this list the widow of a predeceased son, and widow of a predeceased son of a predeceased son, in the case of a coparcenary Mitakshara joint family, when a son dies, his interest in the property will develop upon the widow. That widow will get a portion of the son's share. Then when her father-in-law dies, again she will inherit. In the case of a widow of a predeceased son of a predeceased son, she will inherit three times: first when her husband dies—as widow, the share due to the widow of the deceased in the coparcenary property will go to her; sometimes if the husband dies very young; the whole of his interest will go absolutely to the widow—secondly when her father dies and thirdly when her father-in-law dies she will again inherit something. When her grandfather-in-law dies, she will again inherit. In the case of a widowed daughter-in-law or a widowed grand-daughter-in-law, it is certain that all these three inheritances are bound to come; perhaps they may be in arithmetic progression less in the case of father-in-law and still less in the case of grandfather-in-law.

Therefore, I feel that these lists were made when we had not contemplated that when every member of the coparcenary Mitakshara joint family dies, his interest will pass on to the widow and other heirs as is given in the scheme of this Bill. So, in view of this change made, I would appeal to the hon. Minister for Legal Affairs to give thought to this aspect of the matter and, if possible, these two cases may be omitted from this list. So far as Dayabhaga and separate properties are concerned, it may be retained but so far as Mitakshara property is concerned, these two persons may be omitted from this list.

From this list, for general purposes, I have omitted only the daughter of a predeceased son, daughter of a predeceased daughter and daughter of a predeceased daughter and of a predeceased son of a predeceased son. I have omitted these four from the list. If the mother is added to the list, then it will be complete. The mother has to be included in any case. My own feeling is that somehow a provision should be made to that effect. It is rather late, because we are changing the law every day. Every day the Drafting Committee is sitting and every day we are changing it. I feel that before passing the Schedule the House should give its thought to one problem. I have been feeling it and I have expressed it to many Members. Most of the Members think that passing this Bill in a hurry is progressiveness. Whatever I tell them is taken as either crocodile tears or hypocracy. But my feeling is this. If this Bill has done anything, if it has given any advantage to the women, the advantage is that, whatever Dr. Deshmukh's Bill had given has been taken away. A son in a Mitakshara family is not a loser at all. If there is a father and he has got four sons, according to the scheme of the Bill, a son would get not the same but something more than what he would have got before passing this Bill. Before passing this Bill he would have got only one-fifth of the property and one-fifth would have gone to the widow—four shares to the sons and fifth share to the widow. Now what happens is, the sons get four shares and the fifth share, which would have naturally gone to the widow is now equally divided amongst all the sons, all the daughters and the widow. That means the widow's share is lessened and at the cost of the widow the sons and daughters are going to get an increased share. Therefore, the widow's position is going to become actually worse. Her getting an absolute property is not likely to be any consolation to her. The quantum of her share would be very small. Supposing there is a property of the value of Rs. 50,000 the widow in the example I have mentioned would have ordinarily got Rs. 10,000 worth of property and her income would have been Rs. Rs. 200 to Rs. 400. Now, under the scheme of this Bill, if she has two more daughters, then the widow will get only Rs. 500 or something like that, which would be as much as the income which she would have derived from the limited estate. Therefore, in the Schedule if we can make a change whereby a widow in a coparcenary property—whose interest we are attaching under the name of progressiveness and rights to women—gets something more, if not as much as the son gets at least something more than the married daughters, I think it would not be too late to make such a change. I would only suggest that the widow of a predeceased son, and widow of a predeceased son of a predeceased son should be omitted in respect of Mitakshara coparcenary joint family property and for general cases the four persons. I have mentioned it should be omitted from this list. That is the only proposal I have to make.

Mr. Speaker: Now, I will waive the notice period in respect of this amendment. I will admit that. I would request the hon. Minister also to hear this.

Shri V. G. Deshpande: I beg to move:

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after line 9 *add* :

> "Provided that in the case of Joint Family Property, widow of a predeceased son and widow of a predeceased son of a predeceased son may be withdrawn."

Mr. Speaker: Shri V. G. Deshpande's amendment further to the amendment already tabled by him to the Schedule, is this :

> "Provided that in the case of a joint family property, the widow of a predeceased son and widow of a predeceased son of a predeceased son may be withdrawn."

The wording is not happy. All that he wants to say is, this. Originally, as the Bill stood, when a person died, the property that would be inherited by his heirs is the property of the two sons also put together, even though that may be the property of the joint family. Under the existing law, the son is independently entitled to a share along with the father, but in the original Bill, the proposal was that all this property would be taken to be the property of the father and then the widow of a predeceased son will certainly get the property only when the father of the joint family dies and not when the husband dies. That was so in the original Bill. In the present Bill, when the person dies —whether he is the head of the family as father or a member of the family— the property that ought to be inherited on his death would be the share in which all the members of the joint family have an interest. In the case where the son dies, his widow will be entitled to a share, and when the father dies, the sons will be entitled to another share in the father's property, taking away the widow's rights to an equal share in the property. That is what Shri Deshpande says.

Shrimati Renu Chakravartty: I have not fully understood it since we have not got his amendment. He wants that the widow of the predeceased son and the widow of the predeceased son of a predeceased son will be taken out of class I. But in the other part of his

[Shrimati Renu Chakravartty]

amendment, he says that a widow should share equally with his son. That portion is not there in the original amendment at all.

Mr. Speaker: Indirectly it is there. If these persons to whom the shares are given are withdrawn, to that extent, the property of the widow will be augmented. That is all the effect of the amendment.

Shri Pataskar: We have passed clause 6. In the form in which it stands, it means that in the case of a joint Mitakshara family property, the daughter or the female heir shall inherit along with the rest, that property. I grant that the daughter and the others get some share. But the mother and the widow who were up-till now getting a limited estate will get an absolute estate and their share may be a little less compared to that admissible under the 1937 Act. But that may be one of the arguments against the whole scheme. However, as the scheme stands now, with the passing of clause 6, is it open to anybody to say now that "provided that in the case of a joint family property, widow of a predeceased son and widow of a predeceased son of a predeceased son may be withdrawn"? I do not know what he means by saying "withdrawn".

Shri V. G. Deshpande: That means they should be removed from class I in the case of a Mitakshara joint family property.

Mr. Speaker: That is what he wants.

Shri Pataskar: I understand. It means that the widow should continue to have a limited estate as before.

Shri V. G. Deshpande: No. What I am saying is, when the widow of a predeceased son gets the estate two times, the widow of a predeceased son of a predeceased son gets if three times.

Shri Pataskar: That is a matter of argument which I shall deal with when I reply.

Shrimati Renu Chakravartty: I want some clarification.

Mr. Speaker: I have allowed this amendment also, and I am afraid it will share the same fate as the other one.

Shri Pataskar: Of course, you may decide it at the end, but I may say that this amendment is entirely inconsistent with what we have already passed in clause 6.

Pandit Thakur Das Bhargava: It is not inconsistent.

Mr. Speaker: There is difference of opinion. It is exactly on account of having passed clause 6 that this amendment seems to have become necessary. Even when clause 6 was not passed, the entire property of the joint family would have been treated as the property of the father. That is, on the father's death, all the sons, whether alive or dead, would share equally. That son, or those sons when dead, and when they leave property, their widows or the widows of the sons or the widows of the son's sons, will inherit the property. That is the original scheme. Now we have reduced the share of that person who dies, from the entire joint family property to his share of the joint family property, in which case, his widow must get much more than the son's widow who already got, on account of her husband's death, a share from the husband's property. Shri V. G. Deshpande feels that this, as originally stood when clause 6 was not amended, was all right. But when clause 6 has been amended, the widow's share ought not to be reduced by adding some others also to class I, who when their husbands died, became widows and got a share of their husband's property. So, let them not get, once again, or a third time, a share from the father-in-law's property when the father-in-law dies, whereas the father-in-law's widow must get more. If they are made simultaneous heirs, a fraction alone of the same property will go to the widow and it would be less than that provided originally if the others are excluded. That is Shri V. G. Deshpande's opinion.

Shri C. R. Chowdary (Nalasaraopet): May I say a few words on this question?

Mr. Speaker: I shall call him later. I am only waiving notice of this amendment and allowing a discussion on this subject.

Shri V. G. Deshpande: Instead of "withdrawn", it may be put as "omitted."

Mr. Speaker: Yes, It may be omitted from class I.

Shrimati Jayashri *rose*—

Mr. Speaker: I will call Shrimati Jayashri afterwards. I will first call those who have tabled amendments.

श्री कृष्ण चन्द्र : अध्यक्ष महोदय, मेरे दो एमेंडमेंट (संशोधन) हैं नं० २२७ और २२८। ये दोनों ही आल्टरनेटिव (वैकल्पिक) एमेंडमेंट हैं। जैसा कि में ने पहले निवेदन किया था कि इस बिल का जो मौजुदा ढांचा है उसमें हम जो विधवा है, उसकी पोजिशन (स्थिति) को बहुत ही खराब करते जा रहे हैं। जैसे कि धारा ६ के ऊपर बोलते हुए मैं ने बतलाया था कि विधवा को जो हिस्सा १९३७ का जो कानून है उसके मुताबिक अब मिलता है, वह हिस्सा धारा ६ में संशोधन होने के कारण अब और भी कम कर दिया गया है। इस शेड्यूल (अनुसूची) के अन्दर जैसा कि देशपांडे जी ने कहा है कि बहुत से हेयर्स (उत्तराधिकारी) को ला कर हम ने विधवा का जो हिस्सा है उसको और भी कम कर दिया है।

अध्यक्ष महोदय, जैसा कि पहले भी इस सदन में कहा जा चुका है डाटर (पुत्री) का जो लड़का है, लड़के का जो लड़का है, मृत लड़की के लडके इत्यादि को भी क्लास १ म रखने की इस शेडयूल में तजवीज है। उस डाटर का जो लड़का है उस डाटर के लड़के के लिये चूंकि वह किसी और का भी लड़का ह और वहां पर उसको पूरा हक मिल चुका है उसको भी हम यहां ल आये और डाटर के लड़के को भी और मृत डाटर कि डाटर को भी ले आयें तो इसका नतीजा यह होगा कि बहुत से हेयर्स हो जायेंगे इस क्लास १ में और इसका परिणामयह होगा कि जो विधवा है उसका हिस्सा कम होता जायेगा। आप इन सब को क्लास २ में रख दीजिये मुझे कोई एतराज नहीं है। अगर आप बहुत यादा हेयर्स को क्लास १ में रख देंगे तो इसका नतीजा यह होगा कि जिस पुरुष ने सम्पत्ति पैदा की और जो कुदरती तौर पर यह चाहता है कि मरने के बाद उसकी विधवा स्त्री उसका उपभोग करे, उसको कोई तकलीफ न हो वह अपना पेट भर सके, उसकी यह ख्वाहिश पूरी नहीं होगी। इस तरह जो विधवा है उसका हिस्सा जैसे जैसे आप हेयर्स को बढ़ाते जायेंगे, वैसे वैसे कम होता जायेगा। मैंने पहले भी अर्ज किया था कि इस बिल का जो उद्देश्य है वह यह है कि स्त्रियों और पुरुषों के जो सम्पत्ति में असमाम अधिकार हैं, वह दूर हों और दोनों को एक से अधिकार प्राप्त होने चाहिये। साथ ही साथ मैंने यह भी कहा था कि लड़की को उसके ससुराल में गृहलक्ष्मी कहा जाता है। अब मैं आप से निवेदन करता हूं कि अगर आप चाहते हैं कि जो आपका उद्देश्य है वह प्राप्त हो और कुनबे भी कायम रहें तो आप क्लास १ में जैसा कि मैं ने अपनी एमेंडमेंट में कहा है कि आप सिर्फ विधवा को ही रखें अर्थात् जिस वक्त कोई मरे तो उसके मरने के बाद उसकी पूरी सम्पत्ति की मालिक उसकी विधवा स्त्री हो जाये। आज जब हम मर्दों के ऊपर इतना विश्वास करते हैं और उनको पूरी सम्पत्ति का मालिक बना देते है, एक भाई का लड़का, उस लड़के के लड़के कितने ही हों पूरी सम्पत्ति के मालिक हो सकते हैं। मिताक्षरा कानून को छोड़ दीजिये। मै समझता हूं कि विधवा स्त्री को क्यों न यह अधिकार दिया जाय कि अपने पति के मरने के बाद जब तक वह जिन्दा रहे पूरी सम्पत्ति की मालिक रहे। लड़के को शेड्यूल १ में रखने का जहां तक ताल्लुक है तो वह उस पिता का भी लड़का है और उस स्त्री का भी लड़का है और उस विधवा स्त्री के मरने के बाद लड़के और लड़किओं दोनों को हक जायगा और इसलिये उनको क्लास १ में न रख कर क्लास दो में रखना चाहिये। अगर मेरी इस तजबीज को मान लिया जाता है तो स्त्रियों को जो समानाधिकार दिलाने का हमारा उद्देश्य है वह पूरी तौर से सफल हो सकता है। दूसरी तरफ जो यह ऐतराज इस बिल पर किया जाता है कि सदन इस बिल को ला कर हमारे कुनबों का विघटन कर रहा है, वह ऐतराज भी दूर हो जाता है और स्त्रियों को समानाधिकार भी प्राप्त हो जाता है। इसमें क्या जिद है कि हम लड़की को ही समानाधिकार दिलायें और जो ससुराल में अपनी बहू है उसको वह हिस्सा न दें। अगर स्त्रियों को हम समानाधिकार देना चाहते हैं तो मेरा ख्याल है कि बहू और लड़की दोनों स्त्री है और दोनों को समानाधिकार देना चाहिये।

दूसरा मेरा अमेंडमेंट नम्बर २२८ है। जैसा कि हमारे माननीय प्रधान मंत्री ने अभी हाउस (सभा) से सिफारिश की है कि शेडयूल में मदर (माता) को क्लास २ में से हटा कर क्लास १ में ले जाना चाहिये, में भी यही चाहता था मगर मुझे चूंकि यकीन नहीं था कि इस तरह का मेरा अमेंडमेंट मंजूर हो जायगा इसलिये में ने अपने इस २२८ नम्बर के अमेंडमेंट में हल्की चीज रखी और मैं ने विधवा माता (मदर) रखा और में चाहता हूं कि विधवा माता को तो जरूर ही क्लास २ में से हटा कर क्लास १ में ले जाया जाय।

एक मेरी यह मांग है जैसा कि पहले भी यहां पर कहा जा चुका है कि लड़के को जब हम उत्तराधिकारी मानते हैं तो लड़के की पत्नी को भी साथ साथ उत्तराधिकारी बना दें और लड़का और लड़के की पत्नी दोनों साथ साथ उत्तराधिकारी

[श्री कृष्ण चन्द्र]

बन जाय। अध्यक्ष महोदय, अगर हमारा समानता का दावा सही है तो लडका और लडके की पत्नी दोनों बराबर है और दोनों को एक समान उत्तराधिकारी होना चाहियें। फिर मैं ने अपने संशोधन में अनमैरिड डाटर (अविवाहित लड़की) को रखा है। आप अविवाहित लड़की को ज्यादा तरजीह दीजिये। पत्नी को हिस्सा दीजिये। मैं बराबर इस बात के लिये जोर दे रहा हूं कि अगर स्त्रियों को तरजीह देना हो तो जरूर दीजिये लेकिन मैं कहूंगा कि बजाय लड़की को ज्यादा तरजीह देने के बहू को जादा तरजीह दीजिये। साथ ही मैं चाहता हूं कि लड़की के लड़के और लड़की की लड़कियों को क्लास १ में से निकाल कर क्लास २ में कर दिया जाय ताकि हिस्से भी कम हो जांय और लड़की के लड़के को कोई हक नहीं है कि वह क्लास १ में जाय, उसको क्लास १ में रखना अनुचित है। और मेरी यह तजवीज है कि उसको क्लास १ में रखने के बजाय क्लास २ में रख दिया जाय।

Shrimati Jayashri: Mr. Speaker, I oppose all the amendments moved by Shri V. G. Deshpande. By changing clause 6, the House has decided that though we are going to give shares to daughters, we are going to give shares to them not in the entire joint family property, but only in her father's property, which, after his death, will be divided equally between the sons and daughters.

In Class I of the Schedule, we have son of a predeceased son. Also, if the daughter is not alive, then it is doing justice to her children to give a share to those children whose mother would have inherited, if she were alive. There is nothing wrong in bringing the daughter of a predeceased son in Class I. We have already accepted that principle of giving a share to the daughter and that share will be got by her son or daughter whoever is alive. So, there is nothing wrong in keeping the daughter of a predeceased son.

Mr. Deshpande said that under the 1937 Act—we are going to repeal that now—the widow would have benefited to a greater extent. But, whatever right she got under that Act would have been a limited right. We are now changing that and we are going to give her absolute right. Widow is there and hon. Members have nothing to say against the widow being there in Class I.

With regard to mother, when the Joint Committee kept mother in Class I, we had a different clause 6 then. At that time, we envisaged that the mother will also share in the joint family property. So, her share would have been much larger. Now, according to the clause 6 which is amended, mother gets a share from her husband's property as widow, and she gets a share from her father's property. I would appeal to hon. Members here to think about the children of the son who may be dead and whose property is to be divided. We should think about the children of the son or daughter who is dead. If the mother also is to be given a share there, the children will get less share and injustice would be done to the children. We wanted to keep mother in Class I because we thought that by keeping mother there we would have one uniform code of Marumakkattayam. They had mother in Class I there, and so we were happy to keep here in Class I here also. As we are going to change clause 6 and as we are going to restrict the share, I think that injustice would be done to the children of the issue of the mother, who is not alive, and whose share is to be divided. In our original Hindu Code Bill, we had "Maintenance of Dependants". There it was said,

> "The following relatives of the deceased shall be deemed to be his dependants for the purposes of this Act, namely, father, mother, widow...."

If we are going to introduce this maintenance Bill, the mother will be properly looked after by the son, if she has nobody else to look after her.

But really speaking, according to the Succession Act, the property descends to the children, and it is not natural that it should ascend. As I said, in Marumakkattayam the mother is also there. And, naturally, we feel that the mother should be there. But I would like Members to consider whether by keeping the mother in the first class, injustice may not be done to the children of the deceased son or daughter. And that is why I would request the House to consider whether we should have mother in the first class or, as it is, in the second class.

Shrimati Sushama Sen: Mr. Speaker, I have given an amendment that mother should come in the First Schedule after widow in class I. Because, I think it is only fair that the mother should be placed in class I, and I am indeed surprised to find that my hon. sister Shrimati Jayashri opposed this. Because, the mother has a very high position not only in Dayabhaga, as Shri Barman has pointed out, but also in Mitakshara. In the whole of India throughout, the mother is given a very high position; and so also where they have the matriarchial system. I oppose the existing provision and I think that mother should be placed in class I in the Schedule, after widow.

It is not that they are all going simultaneously to inherit the property—the son, daughter, widow and mother and son of predeceased son. That is not the question. If the son dies, then only the grandson will get it. Besides, if the mother gets it, she would certainly look after the interests of all the other members of the family, as has always been done in our Indian custom. It is not as if the mother will take the property and go away. Because, she is regarded as the head of the family and she will certainly look after the interests of all the rest of those who are dependent on her.

So I move my amendment that the mother should come after widow in class I, and I think it is only just and fair and as the Prime Minister has just pointed out that, injustice to the mother, she should come under Class I.

I beg to move the following amendment to my amendment No. 223 :

That the word "mother" in class II be transferred to class I and put after the words "Son, daughter, widow;"

Mr. Speaker: Shrimati Sushama Sen's amendment No. 223 will accordingly be amended.

Pandit Thakur Das Bhargava. He may refer to all his amendments relating to class I of the Schedule and answer any points, if necessary. Then we can go to the other things.

Pandit Thakur Das Bhargava: I would like to refer to my amendments Nos. 189, 221 and Nos. 43 and 51.

In referring to amendment No. 189 I beg to point out that I propose to substitute for class I of the Schedule the following namely :

> "Son and his wife in equal shares; widow; unmarried daughter; son and his wife of a predeceased son; widow of a predeceased son; son and his wife of a predeceased son of a predeceased son; widow of a predeceased son of a predeceased son."

Mr. Speaker: I have put down, for enabling the House to come to a conclusion, all these amendments to class I under three or four heads.—I am prepared to increase the heads if necessary.—These are :

(1) Omit some from class I.

(2) Add one—mother or father, or both—to class I.

(3) Qualify 'daughter' as 'unmarried daughter'.

That is all. These are the three categories.

Shri Pataskar: These are the only categories or varieties.

Pandit Thakur Das Bhargava: Take away daughter's daughter, etc.

Mr. Speaker: What I have noted down is like this. Omit certain items from class I; add one item, mother or father or both, to class I and then convert daughter into an unmarried daughter. These are the only ones.

Let the hon. Member place his points under these categories—unless there is a new category, which I will note down.

Pandit Thakur Das Bhargava: If my amendments Nos. 189 and 221 are taken together, they sum up all these four classes or categories.

Number one : father and mother may be there.

Secondly, I want that the daughter's daughter and son of a daughter, etc. all the four categories to be omitted.

Mr. Speaker: And relegated to class II?

Pandit Thakur Das Bhargava: Yes.

Thirdly, the words "unmarried daughter" should be substituted for the word "daughter".

And, further, so far as "son" is concerned, I want "son and his wife in equal shares".

Mr. Speaker: Where is the wife here ?

Pandit Thakur Das Bhargava: It is not there in the Schedule.

Mr. Speaker: You want it in class I ?

Pandit Thakur Das Bhargava: I want for the word "son" in class I, the words "son and his wife in equal shares" to be substituted.

Mr. Speaker: Both of them together ?

Pandit Thakur Das Bhargava: Yes, both together must take one share.

Mr. Speaker: Very well. I will put it down as a category.

Pandit Thakur Das Bhargava: The purport of my amendments Nos. 42 to 51 is just the same as I have submitted in my consolidated amendments Nos. 189 and 221.

So far as the question of mother and father is concerned, I would very respectfully point out that even today, in the Mitakshara family, when a partition is made between the members of a family, it is usual to apportion one share to the mother and one share to the father or the sons. So that, if there was no notional partition according to the Act but if there is an actual partition, the mother is today entitled to a share at the time of partition of the family property. Now, if there is a notional partition, and the shares are given according to the Schedule, the mother is omitted altogether. As has been pointed out by our hon. Prime Minister, the rule of uniformity you must observe. What is the use of making one rule for the whole of India if you cannot exalt and elevate the mother from Class II to class I? If in the South the mother is worshipped and she gets a share, why not in the North? It is a very nice addition that we are making and I wholly support it that mother should appear in class I.

It is true I had given notice of mother and father, and I am still of the view, and I shall appeal in that regard, specially to the hon. Minister who is so much enamoured about equality of sexes and who also referred to the Constitution that there should be no difference between the sexes. I would like to ask him, is he willing to include mother and not father? The father may be as indigent, yet he will get no rights. Suppose the father has no property. You should not think that the father and mother always have property. Suppose it is that the son has self-acquired property. You are anxious about mother. But what about the father? You may point out that so far as this is concerned, he will be provided so far as maintenance is concerned. May I submit that so far as maintenance is concerned, the rules of maintenance are quite different? When the property is parcelled out, what remains there from which maintenance can be secured. Suppose there are five or six sons or five daughters and two sons. What does the son get? How will he maintain the aged parents? It is his duty. But the duty of every person who inherts the property of a rather is that he should, and every apart from that property everybody's duty is to, support aged parents. But where is the legal duty of a married daughter? Where is the duty against an unmarried daughter? There is no such obligation on a daughter that she should maintain the old father as well as other members of the family, and all the dependent members of the family, the widowed daughter, the indigent daughter and the deserted daughter, everybody has to be maintained by a Hindu male. Therefore, I have been submitting that you should see that the son gets sufficient property so that he will be able to continue the family.

So far as unmarried daughter is concerned she is certainly entitled to inherit till she is married. I will adduce some arguments in support of my view that the wife of the son should get property and the married daughter should not get it.

My reason is obvious. I do not know much about the South. I can speak with authority so far as the north is concerned. Even in an ordinary family, the daughter is educated up to a certain age and she is treated very well. If any trouble arises, that is in her husband's family: not in the parents' family. In the parents' family she is treated very nicely. My hon. friend was reading something about suicides among women in Saurashtra. He made a point that the law should be changed because so many suicides take place. I would like to know from him how many suicides have taken place on account of the girl being in trouble in the parents' house and how many on account of trouble in the husband's house.

Shri Pataskar: May I just correct a wrong impression? The other day also a reference was made to it. I referred to the suicides not because by themselves they justify a change. A committee was appointed by the Government there. It went into this question and ultimately recommended that there should be laws which will give more rights to women. That is the statement I have made. Let it not be mistaken.

Pandit Thakur Das Bhargava: I am at one with the hon. Minister that we should give rights to our women. I want, and I am not less anxious than he, that women should be given rights. I am only suggesting that the right course, the surer course would have been for you to give rights to the son's wife. After all, the son's wife is the daughter of somebody. Why should she not get her share in her husband's property? Why should my daughter-in-law get her share from Lucknow and my daughter take her share from Hissar to Lucknow or Kanpur? What is the use of this? After all, the son's wife is daughter of somebody. If the son's wife should get any property, she may get it from her father-in-law. What is the difficulty? She goes into that family, she lives in that family, she creates wealth in that family, she is a source of strength to that family and she is the source of further life in that family. That she should not get her share from the father-in-law is simply astonishing. I cannot understand the mentality of those who say that she should not get a share from the property of her father-in-law. It is entirely wrong to suggest that the daughter is not getting anything from her father's properties. I know lakhs of rupees are given by way of dowry. After the marriage, all along her life,—not only to her, but also to her children—we go on paying for generations on festive occasions and otherwise. It is entirely wrong to suggest that we do not give anything to our daughters. In fact, on account of these marriages, thousands of parents get into debts which they are not able to pay all their lives. I for one would not be unhappy if the daughter gets something. Let her get twice over. I do not mind. I am not enamoured of the Constitution when it says that there should not be any difference on the ground of sex. Woman is a weaker vessel and she is unable to earn. So, even if she gets something more, I do not grudge. But I am perfectly sure that by the law that you are making, you give with the one hand and you take it away by the other, and she will not get much. My own fear is that the sons would not allow the parents a free hand and the parents would not be disposed to give a big dowry because you have made her a heir. The result will be this. When the father dies, he would die at the son's place and he will remain with the sons. The son will get wills made and disinherit the daughter. That is my apprehension. If that is so, my humble submission is that that it is not something good that is being done to her.

According to the Deshmukh Act, the widow got a share like a son. Whatever the son got, the widow also got. She got something substantial. According to this bill, what does she get? Not much. I should rather say that her position has been worsened. It is right what Shri V. G. Deshpande says that her position has been worsened. I am very sorry o look at the Bill that way. After all, who should get the property of the deceased? I should think that first of all should be the right of the widow. She should get most of the property because she continues the existence of her husband. According to our sastras, the man and his wife merge into one entity of which she becomes the *ardhangini*. In the west, she is called the better half. It may be the better half or the worse half, in our law, she is a full half and therefore she is the *ardhangini*. When I say give her the property that is due to her, every person looks askance at me and does not want to see the thing squarely in the face. My own submission is that the widow must get the most. In the law that we are making, she is getting much less than the daughters. Under Deshmukh's Act, she got more. By the introduction of the daughter and other five or six heirs, the mother and widow do not get her due share. Others take away her share. Therefore, the Bill that we are making is not very much in favour of the ladies. Taken as a whole, the first 25 years will be a very bad period for the girls, as they may not get much.

I wanted to suggest that when the father-in-law died, the son and his wife should get one share, the unmarried daughter one share and if there were any predeceased sons, their widows should get one share. That is my scheme. At present, the son continues the family. The daughter does not continue the family. She goes to another family. It is natural that the parents should think that the sons, who will serve them in their old age, should get more. There is nothing wrong about it. If the sons are also to carry that burden, they should get what is now being given to the daughter. That is natural enough. This system has been in vogue for thousands of years and has worked well. I want to know what is wrong with this system. Why do you want to change it? You say, because it is laid down in the Constitution that no distinction should be made on the ground of sex. May I humbly ask the hon. Minister whether this equality of the sex pertains only

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to the son and daughter, between brother and sister and not between husband and wife? The husband continues to be the master of the family. He enjoys the entire property. The wife is illtreated and turned out of the family. Why not wives claim equality against their sweethearts in that family where they create wealth? Why not fight for that? That is the fight that they have to put up. Why are not they fighting for their rights in the family of their husbands? I find that the real trouble is that in the household, the wife does not get anything, she is not in a position to fight, and she is at the mercy of her husband I do not like this. I want that she should not be at anybody's mercy. I want her to be financially independent so that the ladies in India may be more independent and the progeny may be stronger.

Shrimati Jayashri: In your speech you said that she was the *samrajni*; now you are contradicting it.

Mr. Speaker: There is a passage in the Rig Veda—*samrajni bhava,* become the queen of the house.

Shri Nand Lal Sharma: (Sikar): He had said *ardhangini* and not *samrajni.*

Pandit Thakur Das Bhargava: She is the queen of the house without any control over property, without any right in property, without any say in the matter if the husband tries to part with the property to the detriment of herself and the children. This is your queen. I have a different view of this queen. If there is anything which is at variance with western notions, our family system is there. I am very proud of our family system. The mother or housewife is really the queen. It may be that in the coming different cultures may prevail and it may be that the husbands may become as individualistic as the present wife today tends to be and the wife may lose all along the line. She may not be the *samrajni* which we have been pleased to call her, in the days to come. I want that she may be the real queen in the real sense. Now, whatever money you get, you place in her hands and she is at liberty to spend it as she pleases. Really, she is the guardian of the family.

This is the real position today. If she wants to spend money for her own purposes, to give away some property for religious purposes etc., she has to ask the permission of the husband. Is it not true? It is true the husband will not stand in the way, but it is also true that she feels the humiliation of it when she has to ask her husband. Therefore, I should think the cause which my friend has got at heart will be better served if she, along with her husband, is master of half, and the husband will consider twice before he maltreats her and does not treat her on basis of equality and companionship.

1 P.M.

In the marriage law we have passed the new system of divorce. I remember you from your seat told us to wait for five years. We did not wait. I was of the same view about divorce. But at the same time, I thought if the housewife was given these rights in property as I wished, and as I even then said, there would be no divorce. The husband would think a hundred times before divorcing his wife who has got half right in the property. That would be a bulwark so far as the rights of women are concerned. I therefore want and I very humbly ask the House to kindly consider—it is not too late; after all, we are passing this Bill for the whole of India—that if we can make the son's wife a co-heir with the son in the property then we will be solving the real problem in a realistic and right way. The father may or may not allow the daughter to inherit. So far as the father-in-law is concerned, when his death ensues, his son, i.e., the husband of the lady, will not object. Nobody will object, and it will be very easy to secure this. It will secure a true voice and a true place for the women of this country. Let us not fight shy. Nothing has been lost. If the Rajya Sabha has not done it, even if our Prime Minister says: "Do not touch it except for the mother", I am of this view that we should not only touch it, but we should make this innovation which is certainly of a radical character which will change the entire character of the relations between husband and wife. The wife will become more independent. She will be respected in the family as the husband himself is respected. I am therefore very strongly of the view that we should agree to substitute the words "unmarried daughter" for the word "daughter" so that the married daughter may not get into the family except as a daughter-in-law. If the daughter-in-law is the widow of a predeceased son, then she gets a share, but if she is the wife, you will not give her a share. I cannot understand this mentality. If she is to be given let her be given outright from the very start.

In the Hindu Code Bill of Dr. Ambedkar, the heirs are only seven, not eleven. Now, they have added four more. Not that I want to deprive them as they are descendants of a male and descended from the father. I do not want to deny them their rights but at the same time, I do not want to place them in Class I. They can easily be transferred to Class II, because, after all, if they remain in Class I, it is possible that the shares of mothers and widows will to a certain extent be diminished. We must see that whatever property a person gets must be enough and should not be fragmented to the extent that it ceases to be enough.

We are considering the question of maintenance also. May I with your permission just refer to clause 130 of the Hindu Code Bill of Dr. Ambedkar? It reads like this, and it is a very important provision:

"(1) Subject to the provisions of section 131 the heirs of a deceased Hindu shall be bound to maintain the dependants of the deceased out of the estate inherited from the deceased by the heir.

(2) The following relatives of the deceased shall be deemed to be his dependants for the purposes of this Part, namely :—

(i) his father;

(ii) his mother;

(iii) his widow, so long as she does not re-marry".

I would request you to kindly note the words "so long as she does not remarry".

"(iv) his son, son of his predeceased son, or son of a predeceased son of his predeceased son, who is a minor, so long as he remains one, provided and to the extent that he is unable to obtain maintenance, in the case of a grandson, from his father's estate, and in the case of a great-grandson, from the estate of his father or father's father;

"(v) his unmarried daughter, so long as she remains unmarried;

(vi) his married daughter:

Provided and to the extent that she is unable to obtain maintenance from her husband or from her son, if any, or his estate;

(vii) his widowed daughter."

Even in this Code, the married daughter was only allowed maintenance to a certain extent and not to the full extent i.e., only to the extent she was unable to get maintenance from the family of her husband. And as soon as a widow re-married, according to this Code, her right to maintenance was forfeited. When the right to maintenance was also forfeited when she re-married is it fair and just to allow her to enjoy under this Bill all the rights of proprietorship even if she re-marries? Am I very wrong in asking this question? We are departing from the basic principles of Hindu law and other laws and customs.

We are considering the nature of the property which these women are going to inherit, because you will see in the very next clause that they will have absolute right to the property. I am very much opposed to it. As a matter of fact, they should only get such rights as the males are getting, not more than that. If they get more rights than males, the result will be that in the hands of widows and others who are not experienced in life, the property may be wasted, may be used in a way which cannot be considered proper. I should think that in our zeal for equality of the sexes, we should not out-Herod Herod. The difficulty in this connection is that people have lost their sense of propriety, their sense of proportion and they go after shibboleths. They want equality. All right. May I ask whether there will be any equality between males and females so far as absolute rights of property are concerned? In this Bill we are really going against that proposition. May I ask whether it is equality when you include the mother and not the father, when you give rights to the woman in her father's property and are not caring for the son-in-law? Why should not a son-in-law also succeed to the property of the father-in-law? I have given an amendment just to point out this disparity, not that I wish it. I do not wish it. But I only want to show to those who are out for equality of the sexes....

Mr. Speaker: On the lines of the daughter-in-law? The daughter-in-law is partner of the son, the son-in-law is partner of the daughter.

Pandit Thakurdas Das Bhargava: God did not make man and woman equal in all circumstances and all aspects. In regard to rights to property we should behave in a manner that we give rights

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to men and women also, but at the same time we should not run after this slogan or that slogan. We should do the right thing so that our families may be conserved so that our family system which is perhaps the best in the world may not be disrupted. We are out to disrupt the entire family. Some of my friends took exception when I said you are changing ideals. As a matter of fact, you are doing it. So far as maintenance is concerned, you will be entirely changing the whole mentality of the society if you go on like this.

What is the fun in giving the daughter a share in one part of India and then getting a similar share for the daughter-in-law in another part of India. You are not giving the share to her as daughter-in-law. After all, the daughter of one is the daughter-in-law of another. I would therefore like you to give the same right to the daughter-in-law as is given to the daughter, so that families may be conserved. So far as the Punjab and other States in the North are concerned, I understand 90 per cent of the people are for the proposition which I am propounding today. You are passing a Bill in the teeth of opposition which will bring ruin to 90 per cent of the population in this country so far as the rural areas are concerned. I therefore very humbly sound this note of warning so far as the Schedule is concerned that you ought to make all these changes which I have stated if you want to conserve the families. Let the people understand that you are not interfering with their best traditions.

Shri C. R. Chowdary (Narasaraopet): Mr. Speaker, I am in favour of the list of class I heirs being retained as it is, for the simple reason that, as our Prime Minister has stated, this list has been prepared and arranged after deep consideration and thought. One should not forget that this list is made applicable to both. Why? To all the existing schools of thought, namely the Dayabhaga and the Mitkshra (etc.).

Shri Nand Lal Sharma: No, not to Mitakshara.

Shri C. R. Chowdary: It is applicable to both. The class of heirs that would be entitled to succeed under clause 6 as well as the other clauses of the measure that we are enacting is applicable to both.

Shri V. G. Deshpande, who was in favour of interfering with the list that is already there, advanced the curious argument that under the present law, that is, under the Hindu women's Right to Property Act, a widow will get the entire interest of her husband on death, and that she could as well enforce partition in a coparcenary and get that share which her husband would have got on partition on demand. It is true that that principle is applicable only to the widows of sons, the sons dying as coparceners in a Mitakshara family. That rule is not applicable to the Dayabhaga system.

Taking that principle into consideration, under the law as we are proposing to enact, the widow's share is reduced considerably, because the daughters (ect.) are allowed to share along with the widow. It is true that the widow's share is reduced considerably under the present Bill, but my hon. friend has forgotten one thing, namely that the widow is now getting though a small share but a share with absolute rights, whereas the property that she would be getting under the Hindu Women's Right to Property Act, though considerable in itself, being the entirety of her husband's share, would only be a Hindu woman's estate with limited rights. Apart from that as is the case, a son's widow is to be allowed to inherit to the property of her father-in-law, the widow of a predeceased son's son also is being allowed to inherit to the property of her father-in-law Though, according to the present Bill, a widow's share at the time she inherits to her husband, is reduced because of the daughters (etc.) being allowed to share, and the widow of a predeceased son and the widow of predeceased son of a predeceased son also being allowed to inherit along with the widow, yet the widow in her turn is entitled to inherit to the property of her father-in-law as well as to that of the father-in-law's father. If the equities are worked out in that way, the chances are that in course of time, the widow will inherit just the same as before. In fact, there is a chance of her getting more property, since she is allowed to inherit to two ascendants, as the widow of a predeceased son and as the widow of a predeceased son's son. If the equities are worked out, it will be found that she will gain more, and the quantum of property that she gets every time will be with absolute rights. So, I would submit that there is no necessity for any interference with the present arrangement, since much injustice will not be done to the widow.

Arguments have been advanced by many of my hon. friends that as many as eleven heirs will inherit simultaneously. But I would draw the attention of my hon. friends to the rules of succession enumerated in clause 10. From that, one can clearly see that not all the eleven heirs will inherit simultaneously, but they will get only the property of their respective branches. The rule of representation of branches has been given effect in clause 10, and the same is recognised in the Schedule. So the heirs mentioned there will inherit to the property of the deceased. So, it is not correct to say that fragmentation will happen, if all these people are allowed to inherit, and that too, simultaneously. As a matter of fact, they are only inheriting to the property of the deceased representing the branches at times.

Supposing all the people that are born to a particular gentleman are alive, how is it possible to prevent fragmentation. My hon. friend wants to avert fragmentation by cutting away certain female heirs on the ground that their mother or their father was not there at the time the intestate succession was opened. But I would submit that the argument that by the cutting away of certain female heirs from the list of persons entitled to inherit to the property of a deceased we can prevent fragmentation, is a fallacious one, and it cannot be countenanced.

I am in full agreement with the amendment that has been proposed by the Treasury Benches to the effect that the mother also will be given a place among the class I heirs. Along with the son, daughter and widow, the mother also may be given an equal share. For that purpose, I think clause 10 has to be amended, and in rule 2, we have to add the word 'mother' after 'the surviving sons and daughters'. Rules 1, 2, and 3 also have to be recast properly.

Mr. Speaker: If we take a decision, the consequential amendments also will be there.

Shri C. R. Chowdary: If we want to interfere with the class I heirs as now enumerated in the Schedule, we have to keep in mind the Dayabhaga system, and see that the heirs there will not be affected or be deprived of their present rights, or the rights that have been conferred on them by the various provisions that we are going to enact. At the same time, we have also to see that instead of simplifying the law, we do not introduce any complications which will indirectly lead to litigation in the future.

Shrimati Renu Chakravartty: Mr. Speaker; I want to say a few words on the amendment of my hon. friend Shri V. G. Deshpande. The hon. Member who has preceded me has clarified that all the eleven sharers mentioned in class I of the Schedule will not be dividing amongst themselves elevens times, but that it will only be the sons and the daughters of those who come in the second and third degrees, who will inherit to that portion which they will get from their fathers, grandfathers or grandmothers, being the sons or the daughters, as the case may be, of the deceased.

Regarding the mother being included amongst the class I heirs, my hon. friend Pandit Thakur Das Bhargava has asked whether we want to have equality by means of this provision. Absolute equality, obviously, is not being ensured by this Bill at all. We are quite clear about that.

So there is no question of raising the point about equality even by those who had wanted that in the matter of succession, there should be equal rights. I would not also take up the question as to whether now the woman should inherit only the property of the husband and not the property of the father, because that is a point that has been raised again and again.

There are many points which are very sensible and reasonable which Pandit Thakur Das Bhargava has urged. I think it is quite true that if the daughter-in-law has also a share of the property in the father-in-law's house, it does not give her a certain amount of dignity. But obviously it will also enhance her prestige if she can bring with her a certain amount of property from her father's house itself.

As regards equality, I would just like to say this. Even in our Constitution, weightage has been given to the week. In spite of the fact that fundamental guarantees are given there, that there should be no discrimination, we have seen that in favour of the weak certain safeguards have been given. If a widow inherits twice or thrice, I personally would have no objection, because it is quite true, as Shri V. G. Deshpande

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has urged, that under the existing law the widow would have got a little more than what she gets now straightway. But, as has been urged by other speakers, she would only have enjoyed a limited estate. Now we are giving her absolute ownership. At the same time, because there is a reduction in the widow's share, I would not mind, as he has pointed out, that if sometimes she inherits the father-in-law's property once and then again, may be her grandfather-in-law's property. I personally think that that is quite all right in view of the fact that the widow is the most helpless person in our society. Since we are not equating everything—the son is getting more than the daughter—I think it is quite right that she should have this right.

These are some of the points I would like to urge. I would have no objection to the mother coming into class I and also the retention of class I as it is with that change. We should not change anything further in the Schedule.

Shri C. C. Shah: The real difficulty about the Schedule arises from the fact that it makes for an order of succession both to coparcenary property and to separate property. The difficulties have arisen because so far as coparcenary property is concerned, for example, a daughter's daughter, or son's daughter or son's son's daughter and so on can have little place in it. And that is why this opposition is there. Logically speaking, if the son's son is there, there is no reason why the daughter's daughter etc. should not be there on terms of equality. But our notions of coparcenary property and succession to it are such that we are unable to conceive that a daughter's daughter will come and claim a share in that property. At the same time, in separate property, for example, a son's widow or a son's son's widow can have little place. Looking at the system of succession even under the Indian Succession Act, the son's widow has no place in any order of succession. It is only the lineal descendents and the parents who come in.

I would have wished, if it were possible—probably it is too late to amend the Schedule.—When we framed the Schedule, clause 6 was what it was, namely, with the explanation; it had included the share of the undivided sons in the father's share, which meant that the whole of the coparcenary property was taken as a unit for the purpose of succession. Now, with the radical change in clause 6, in effect we need two orders of succession, one to coparcenary property and the other to self-acquired property, in order to make it somewhat logical and to satisfy all interests. If it is not too late, I would request the Government to consider this proposal. Otherwise, I can see no logic in what we are doing today. For example, take the case of those who have asked for the mother to be included. I appreciate the sentiment about it. It is a logical sentiment; it is a very good sentiment. But why is it that those who oppose it do so? It is not because they are opposed to the mother being given a share. But when the former find that the daughter's daughter the son's daughters etc. are preceding the mother they naturally, wish 'why not the mother'. The logical thing to do is this. Those who come much later under the present order of succession under the Hindu law, for example, the daughter's daughter or son's daughter comes 34th or 35th as the heir, are being suddenly put as heirs along with the son and son's son. Therefore, naturally people, feel, 'how can you postpone the mother so late?'. That is why a demand is made by a few Members that these four heirs viz. son's daughter, son's son's daughter, daughter's son and daughter's daughter should come after the father and mother. The logical thing to do, as Shri H. G. Vaishnav rightly pointed out, is to keep in class I seven heirs as recommended by the Rau Committee. Now we are going too far. I do not know what can be done. Frankly speaking, this makes confusion worse confounded; I do not know where it will lead to. My own inclination was to see whether we could possibly still consider having two orders of succession, one for coparcenary property and the other for self-acquired property.

श्री सिंहासन सिंह (जिला गोरखपुर-दक्षिण) : अध्यक्ष महोदय, प्रारम्भ में जब इस विधेयक को लाने का विचार किया गया था उस समय उद्देश्य यह था कि स्त्रियों को पुरुषों के बराबर के अधिकार मिलें । लेकिन जो स्वरुप इस बिल का अब हो गया है और जिस तरह से हेयर्स (वारीसों) को क्लास (वर्ग) १ और क्लास २ में रखा गया है उससे इस उद्देश्य की प्राप्ति में कुछ सन्देह उत्पन्न हो गये हैं । कुछ हक हम स्त्रियों को अवश्य दे रहे हैं लेकिन जैसा कि शाह साहेब ने कहा कुछ गड़बड़ झाला सा हो गया है । चूंकि हमने क्लाज ६ को बदल दिया है इससे मिताक्षरा और दायभागदोंनों के ही स्वरूप में

महान अन्तर आ गया है। माता को ऊंचा दर्जा देने के बारे जो यहां पर मांग की गई है उसके बारे में प्रधान मंत्री जी ने अपने भाषण में इस चीज को मान लिया है और अब माता को ऊंचा दर्जा मिल ही जायेगा । एक एमेंडमेंट (संशोधन) में जो यह कहा गया है कि लड़की की लड़की और और प्रिडिजीज्ड सन (पूर्व मृत पुत्र) के सन (पुत्र) को भी इसमें से निकाल दिया जाये, इसका भी म समर्थन करता हूं । म समझता हूं कि इसमे लड़की की लड़की को तीन तरह की विरासत मिल जाती है । लड़की की लड़की एक विरासत तो उस खानदान में पायेगी, जिस खानदान में वह लड़की है, एक विरासत उस खानदान में पायेगी जिस में जाकर वह स्त्री बनेगी जब उसकी शादी हो जायेगी ोर एक विरासत वह अपनी मां के खानदान में पायेगी । अभी तक तो हम लड़की को बराबरी का दर्जा दने की ही बात कर रहे थे और उस और कदम भी बढ़ा रहे थे लेकिन अब वह तीन गुना हिस्सा ले रही है जब कि आदमी को एक ही हिस्सा मिल रहा है । आदमी को तो एक अधिकार के सिवा दूसरा अधिकार नहीं है लेकिन स्त्री को तीन तीन जगह अधिकार देने की बात कही जा रही है। लड़की को पिता के घर से मिलेगा, पति के घर से मिलेगा और अपनी माता से मिलेगा जब हम लड़की की शादी करके उसे दूसरे घर में भेज देते हैं तो भी हम उस लड़की की लड़की को क्यों अपनी सम्पत्ति में अधिकार देने की बात सोचते हैं, यह बात मेरी समझ में नहीं आती । क्यों हम इस प्रकार का विधेयक बनाने जा रहे हैं यह मेरी समझ में नहीं आया । भाई और बहन को तो आपने दूसरी श्रेणी में रख दिया, यह तो ठीक माना नहीं जा सकता है जब कि लड़की की लड़की जिस के साथ किसी तरह से भी खून का नाता नहीं रह जाता है, भाई व बहन से ज्यादा महत्व दिया जा रहा है, यह मेरी समझ में नहीं आया । मैं चाहता हूं कि इस चीज को हटा दिया जाये और जो श्री वैष्णव की एमेंडमेंट है उसे मंजूर किया जाये ।

आज हम दो प्रकार की सम्पत्ति म अधिकार देने की बात सोच रहे हैं । एक तो उस सम्पत्ति में जिस को चल सम्पत्ति कहा जाता है और दूसरी उस सम्पत्ति में जिस को कि अचल सम्पत्ति कहा जाता है । सम्पत्ति के यह दो स्वरूप होते हैं । चल में तो रुपया पैसा, शेयर और अन्य प्रकार के साधन इत्यादि आते हैं और अचल में भूमि व मकान इत्यादि आते हैं। भूमि में लड़कियों को कोई अधिकार नहीं दिया जा रहा है

पंडित ठाकुर दास भार्गव : कौन कहता ह कि भमि में कोई अधिकार नहीं दिया जा रहा ह ?

श्री सिंहासन सिंग : सैक्शन ४, क्लाज २ में यह लिखा है कि :

> "For the removal of doubts it is hereby declared that nothing contained in this Act shall be deemed to effect the provisions of any law for the time being in force providing for the prevention of fragmentation of agricultural holdings or for the fixation of ceilings or for the devolution of tenancy rights in respect of such holdings."

अब जितनी जगह जमींदारी थी, वहां पर पर्सनेल लां (व्यक्तिगत विधि) लागू था और उस जमींदारी में मुस्लिम लां और हिन्दु पर्सनेल लॉ लागू था, दोनों के वारिस कानून के मुताबिक हक पात थे लेकिन उन जगहों पर जहां कि जमींदारी प्रथा खत्म हो गई है और कम से कम उत्तर प्रदेश की बाबत में जानता हूं जहां कि जमींदारी खत्म हो गई है, वहां पर अब न मुस्लिम लॉ लागू है और न हिन्दु लॉ लागू है । वहां पर जमींदारी एबालिशन लॉ लागू है जो नया कानून जमींदारी उन्मूलन का बनाते वही लागू है जिसमें कि एक विरासत सम्बन्धी अलग धारा दी हुई है और उसमें अचल सम्पत्ति अर्थात् जमीन पर हक पहुंचने वाले वारिसों का एक क्रम दिया हुआ है जिसके कि अनुसार लड़की भी वारिस होती है, लड़का भी पाता है और लड़के के न रहने पर औरत भी उस अचल सम्पत्ति पर हकदार बनती है लेकिन इस कानून के जरिये हम देख रहे हैं कि वास्तव में जितना उनको अब उस जमीन के ऊपर कोई हक नही मिलने जा रहा है ।

पंडित ठाकुर दास भार्गव : प्रोप्राइटरी राइट्स (स्वामित्व अधिकार) में क्या होगा ?

श्री सिंहासन सिंह : प्रोप्राइटरी राइटस खत्म हो गये, वह टैनेंसी राइट्स (काश्तकारी अधिकार) हो गये ।

पंडित ठाकुर दास भार्गव : सीर राइटस् क्या है ?

श्री सिंहासन सिंह : वह तो भूमीधरी राइट्स हो गया और बह भी उस विरासत कानून से लागू होता हैं । सन पर भी पर्सनेल लां लागू नहीं होता है । इस कानून का जैसा स्वरूप बनता जा

[श्री सिंहासन सिंह]

रहा है उस को देखते हुए में यह कहे बगैर नहीं रह सकता कि हमारी औरतों को जो कुछ अधिकार पहले से हासिल था उसको भी इधर उधर घुमा फिरा करके कम किया जा रहा है ....

Shrimati Sushama Sen: On a point of clarification, do all these arguments come under the amendments which we are under discussion now?

श्री सिंहासन सिंग : मेरे कहने का सारांश यह है कि बिल बनाने का हमारा उद्देश्य तो यह था कि हम स्त्रियों को सम्पत्ति में और अधिक अधिकार देने की व्यवस्था करें लेकिन हमारे देखने में यह आ रहा है कि उसमें कमी की जा रही है और जैसा कि हमारे शाह साहब ने कहा कि कानून कांफियूज्ड बनता जा रहा है और बजाय उनको कुछ अधिक अधिकार देने के उनके मौजूदा अधिकारों को छीनने की नौबत सी आ रही है ।

श्री वी० जी० देशपांडे ने जैसा कि अपने अमेंडमेंट पर बोलते हुए बतलाया कि मौजुदा विधेयक के स्वरुप क अनुसार विधवा स्त्री को ज्वाइंट फैमिली (संयुक्त परिवार) के अंदर अब बहुत कम हक मिलने जा रहा है और उस विधवा का हक खानदान में बहुत कम होगा और इसलिये वह अपने अमेंडमेंट द्वारा इसका वर्तमान स्वरुप बदलना चाहते हैं । वर्तमान स्वरुप के अनुसार जहां पहले एक स्त्री को चार बीघे मिल सकते थे वहां केवल एक बीघा मिलने जा रहा है और मैं चाहता हूं कि मंत्री महोदय श्री देशपांडे के सुझाव पर जो कि उन्होंने अपने अमेंडमेंट में दिया है गम्भीरतापूर्वक सोचें ।

मां को क्लास २ से हटाकर क्लास १ में रखने के आलावा शेड्यूल (अनूसुची) को ज्यों का त्यों रखें और उसमें तबदीली न करें, यह सुझाव प्रधान मंत्री महोदय ने दिया है मुझे पूरा विश्वास है कि सदन उसको उसी रूप में मान्य करेगा । मैं समझता हूं कि अगर देशपांडे साहब के सुझाव के मुताबिक उसको तरमीम कर दिया जाय तो ठीक ही रहेगा और यह संतोष का विषय है कि अध्यक्ष महोदय ने श्री देशपांडे का अमेंडमेंट समय के भीतर न होते हुए भी उसको ऐडमिट कर लिया है । इस वर्तमान स्वरुप के अनुसार माता को जो हक मिलने वाला है वह मिताक्षरा कानून में जो अब तक मिलता था उससे भी कम होने जा रहा है और इस हिन्दु उत्तराधिकार विधेयक का यह उद्देश्य कदापि नहीं हो सकता कि जो हक अब तक स्त्रियों को मिलता था वह कम हो जाय और जो कि वर्तमान स्वरुप के अनुसार कम होने जा रहा हैं इसलिये श्री देशपांडे ने अपने संशोधन में जो सुझाव दिया हैं उसको मंजूर कर लेना चाहिये।

श्री नंद लाल शर्मा : धर्मेण शासिते राष्ट्रे
न च वाधा प्रवर्तते ।
नाऽधयो व्याधयश्चैव रामेराज्यं प्रशासति ।

उपाध्यक्ष महोदय, मैं प्रशष्टि के पहले भाग . .

श्री एन० सी० चटर्जी (हुगली) : अध्यक्ष, महोदय कहिये ।

श्री नंद लाल शर्मा : कृपया क्षमा करें । जिस तरह भगवान राम जब राजा बन गये तब भी किसी ने उनको "रामभद्र" कह कर सम्बोधित किया और अपनी भूल अनुभव करने पर उसने अपने को पीछे करैक्ट (ठीक) करके "महाराज" शब्द से सम्बोधित किया और भगवान ने उसको क्षमा कर दिया, उसी तरह पूर्वाभ्यास के कारण जो गलती में "उपाध्यक्ष महोदय" निकल गया उसके लिये मैं क्षमा चाहता हूं ।

अध्यक्ष महोदय, परशिष्ट के प्रथम भाग का जो वर्तमान स्वरुप है, उसका मैं विरोध करता हूं । पहली बात तो यह है कि यह सर्वथा अशिष्ट है और दूसरी बात यह है कि यह न्याय के सिद्धान्त के भी विरुद्ध है । न्याय का सिद्धान्त यह है कि जिस व्यक्ति को कोई अधिकार देना हो, तो साथ में उसके अनुरूप कोई कर्तव्य पालन भी दना चाहिये उस कर्तव्य पालन के अनुसार हमारे यहां "पिंडदोंशहरः स्मृत" अर्थात् जिसको पिंड देने का जितना अधिक अधिकार प्राप्त हो, उतना ही उसको प्रापरटी (सम्पत्ति) में सक्सीड (उत्तराधिकार) करने का अधिकार प्राप्त होगा, यह हिन्दु धर्म का जो कानून था, उसके सिद्धान्त की कसौटी पर भी यह ठीक नहीं उतरता जहां तक स्वाभाविक स्नेह के सिद्धान्त का सम्बन्ध है, उसके अनुसार भी मैं नहीं समझ पाता कि पूर्व मृत पुत्र की स्त्री के प्रति हमारा कितना नेचुरेल लव (प्राकृतिक प्रेम) हो सकता है और यह कि उससे हमारा सम्बन्ध तो अधिक हो और उसके पूर्व मृत पति के सम्बन्ध कम हो जाय ? मैं समझता हूं कि यह दोनों सिद्धान्तों से अर्थात् "पिंडदोंशहरः स्मृत :" के अनुसार और स्वाभाविक स्नेह, दोनों सिद्धान्तों से यह ठीक नहीं पड़ता ।

दूसरी बात यह है कि इसमें तो कोई शक नहीं कि विधवाओं को जो भाग अब तक प्राप्त था उसमें हम कमी कर रहे हैं, साथ ही हम

उसको ऐब्सेलूट स्टेट (पूर्वाधिकार) दे रहे ह, वह तो ठीक है परन्तु मैं उसमें एक इस तरह की शर्त अवश्य लगवाना चाहता हूं और वह शर्त आवश्यक हो जाती हैं क्योंकि आपने अब तलाक बिल स्वीकार कर लिया है और तलाक स्वीकार करने के बाद मैं निवेदन करूंगा कि उसमें यह कंडिशन (शर्त) अवश्य लगा देनी चाहिये कि। Provided she remains chaste and within the family. वह कुटुम्ब के अन्दर रहे और कुटुम्ब के बाहर न जाय और साथ Provided she remains chaste and within the family and does not remarry. कोपार्सेनर प्रापर्टी (समशी संम्पत्ति) संयुक्त परिवार की सम्पत्ति के साथ मिताक्षरा कानून द्वारा जो संचालित सम्पत्ति है, उस सम्पत्ति के साथ उसका सम्बन्ध है। पिता और माता का जिनका इतना ऊंचा स्थान है, उनका तो पता नहीं चलता लेकिन ब्रदर (भाई) और सिस्टर (बहिन) को ला कर शेडयूल के क्लास २ में ठोंक दिया गया, चाहे वे एक घर में रहते हों। अब एक अनडिवाइडेड फैमीली (अविभक्त परिवार) मे भाई रहता ह, पिता रहता है और माता रहती है, पिता और माता को ब्रदर और सिस्टर से भी नीचे जो रैलिगेट कर दिया गया है, मैं उसके विरुद्ध हूं। आप स्त्रियों को अधिकार देने के लिये कितने ही बढ़त चले जांय लेकिन पिता और माता को ब्रदर और सिस्टर से जो कि एक घर में रहते ह उनको नीचे रख दें, यह बडी विचित्र बात मालूम होती है और इससे कुछ ऐसी ऐनोमेलीज (असंगततामें) क्रीएट (उत्पन्न) हो जायेगी जो हिन्दु जाति ने कभी देखी न होंगी। साथ में मेन्टेनेंस (भरण पोषण) के प्रश्न के सम्बन्ध में यह बात आती है.................

Mr. Speaker: That is the law of the present day. The mother comes in after all the children—the son, the grandson, the daughter and then the mother takes in preference to the father. The mother takes to the exclusion of the father.

Shri Nand Lal Sharma: But the father may be placed after the mother. If he is placed in the second category or the second list and the mother is brought in the first category or the first list, that will create a great anomaly If we are going to amend a law, let us amend it correctly and if any anomaly has already been created, that can also be removed.

आप क्षमा करेंगे, मेरा यह कहना है कि हम लोग इस समय जिस भयंकर उद्वेग से आगे बढ़ रहे हैं उस से परिश्रम तो बहुत कर रहे हैं भगवतियों को कुछ देने का, मैं तो कहता हुं कि हम से कई गुना अधिकार आप उन को भले ही दे दें, किन्तु वस्तुतः आप उन को दे कुछ नहीं रहे हैं। इस प्रकार से आप को इस हिन्दु जाति का जो एक बना हूआ ढांचा है उस को तोड़ना ही अभीष्ट है, किसी को कोई अधिकार देना अभीष्ट नहीं है। जब आप ने भगवती को उस क पति के ही भाग में स कुछ अधिकार देने की बात सोची तो उस के साथ आप ने ११ उत्तराधिकारी और भर दिये। इन ११ उत्तराधिकारियों के लिये आप ने अभी कहा कि यह सभी के सभी नहीं होंगे। मैं कहता हूं कि समय पा कर सभी और उन से भी अधिक होंगे। अगर एक पुत्र के बदले तीन चार पुत्र हो जाये, एक कन्या के बदले तीन चार कन्यायें हो जायें और एक कन्या क, जो कि पहले मर चुकी ह, तीन तीन चार चार सन्तानें हो जायें, तो यह संख्या कहीं अधिक हो जायेगी। और इस से मैं समझता हूं कि उन के पल्ले जो पड़ने वाला है वह एक दुर्भाग्य ही है, और जिस के पास सम्पत्ति नहीं है उस की तो और भी दुर्दशा होगी। साथ ही में शास्त्र की सम्पत्ति की बिना पर यह होगा कि :

"विवेकभ्रष्टानां भवति विनिपातः शतमुखः"

एक मूर्ख अगर गिरने लगता है तो वह चारों ओर से गिरने लग जाता है। यहां पर पचासों अमेंडमेंट ढूंढे जाते हैं, लेकिन स्थान की पूर्ति वह नहीं कर पाते है।

इस लिये मैं इस परिशिष्ट के वर्तमान स्वरुप के सोलहों आने विरुद्ध हूं।

Shri Pataskar: The Schedule contains a list of heirs under class I and class II and it has been already stated that class I excludes class II. Class I contains heirs, eleven in number. You will find that out of the eleven, the son, the son of a predeceased son, that is the grandson, the son of a predeceased son of a predeceased son, that is the great grandson, the widow, the widow of a predeceased son and the widow of a predeceased son of a predeceased son are already there under the present system of Hindu law. All these six heirs are already there. Now that the point has been raised, let me say this. Dr. Deshmukh, the great protagonist of the Hindu culture, sentiments and all those things, brought forward a Bill which practically wanted the heirs to remain as in the list

[Shri Pataskar]

recommended here. The intention was that the property of a Hindu intestate would devolve upon his wife, even mother, daughter, wife of the predeceased son and so on and so forth. As I pointed out on an earlier occasion, unfortunately for him, he could not progress further than providing a share only for the widow and that too in the nature of a limited estate; the daughter and the mother were left out then. That does not mean that what was done was only meant for the wife. What he did was only the initial process and the time was not ripe when mother and daughter and other similar heirs could be brought on part with the son and the son's heirs. It is, therefore, not correct to say that Dr. Deshmukh had given anything more because the daughter was not included and the widow's share was more. It was not his intention to exclude the daughter. Unfortunately, he could not make provision for her under those circumstances then. The late Shri N. N. Sircar, who was my predecessor, stated in this matter that it was only an initial step and everybody expected that within a short time, after enquiry there would be a proper right of inheritance given also to other heirs like daughter, etc. To say that the widow will stand to lose her share under the 1937 Act is not correct. We have to consider the question not from the point of view of what A or B has been getting but from the point of view of what is just and proper so far as this list is concerned.

Shri S. S. More: Is it not a fact that the interests that we are giving to the daughters will affect the widow exclusively rather than the sons? We are not allowing the daughters to have any share in the property which would have gone to the sons. We are making them sharers in the property which would otherwise have gone to the widow.

Shri Pataskar: To some extent, it is true. There may be some diminution of the widow's interest.

Shri S. S. More: To that extent the widow will be more helpless and dependent.

Mr. Speaker: Therefore, Shri Deshpande suggests the removal of some categories from this list.

Shri Pataskar: If I am allowed to proceed in my own way, I will come to that point and answer it. So, those are the six heirs out of the eleven in the list. The Rau Committee, which was appointed to enquire into this matter, added the daughter as an heir. That was contained in that Committee's report and was later included in the Hindu Code Bill. When the present Bill was introduced in the Rajya Sabha, they included the daughter of a predeceased son, the son of a predeceased daughter and the daughter of a predeceased daughter. Thus, the list, as the Bill was introduced, comprised 10 heirs of class I. As we know, the Joint Committee, to whom this Bill was referred, naturally included the daughter of a predeceased son of a predeceased son and the mother. When the matter was taken up, the Rajya Sabha somehow or other thought it fit to take away the mother from class I and put her in class II.

I think, as has already been pointed out, that there is a misconception that all these eleven heirs are going to inherit at one and the same time. As a matter of fact, we have already laid down that the son's son will come in only when his father is dead. It is not as if the property will be divided into 11 parts. That is not the correct position. It will depend upon the branches which the man leaves behind him, the number of sons, the number of daughters. Naturally, the widow and the mother will independently get an equal share along with those branches of the son or the daughter.

It was pointed out whether it was done on the basis of equality. In all such matters, I would only refer to what Rau Committee itself had stated when, after recording all evidences, it considered this matter. In all such matters, to have a rule which would be logically applicable to all seems to me to be rather difficult. That is what that Committee also found when making the list.

It confesses on page 19 of the Hindu Law Committee Report that it has found great difficulty in deciding as to who should be admitted as simultaneous heirs of a male Hindu dying intestate. The Committee goes on describing the position and has also quoted all the arguments on both sides with respect to the inclusion or non-inclusion of several of these categories.

Shri Seshagiri Rao (Nandyal): What is the final decision?

Shri Pataskar: It is stated there as follows:

"We claim no finality for our views especially as one of us still feels strongly that the provisions we have made is unfair because it leads to a widowed daughter-in-law taking her father-in-law's property absolutely in preference to his own daughter's son. The problem is undoubtedly a difficult and intricate one and the only way of avoiding injustice....."

When we are trying to co-ordinate the existing state of things with the sentiments which have grown round several years, we have to find out a solution which will be not only logical but which, to some extent, will try to satisfy sentiments on both sides. Naturally something has to be done in this direction.

I would also like to point out that in the case of a son, it extends to three generations; son, grand-son and the grand-son's daughters, widows, all of them are included. In the case of the daughter, only the daughter and the daughter's daughter are there. The daughter's daughter's daughters are not included. If a man has three sons and three daughters, then it should logically extend to all the branches, both through the daughter and the son. It may be argued that way. Then, something should have been the result. But, under the present Bill, so far as the daughters' inheritance is concerned, it extends to two generations only and the third generation is excluded. It also happens in respect of the son's daughters. As has been pointed out by the Rau Committee, there is bound to be some difficulty in arriving at a decision. The Joint Committee devoted a considerable time and tried to keep before its mind all these principles of natural affection people's sentiments, habits, etc. There is a sentiment that, apart from the fact that the daughter-in-law belongs to another family, the daughter-in-law and the grand daughter-in-law are ladies who deserves a share in the female side. So, we have to do all these things consistent with the ideas and the state of society in which we are living. Then, the argument is twisted and it is asked: "Why do you prefer these people to the mother?" No doubt, they deserve, they say. But after all the whole list has to be looked at from a broad point of view. An attempt was made by the Joint Committee to coordinate sentiment and logic as far as possible and also to advance the good cause, consistent with the present circumstances. It is on that basis that the present Bill has to be considered. I do not want to say that there could not be any argument against it. There may be. But, after all, in such cases, some final decision has to be arrived at.

I am aware that by introducing the daughters, daughter-in-law, etc. probably, the widow who was the only female heir so long, is likely to suffer. I grant that. While we are considering clause 6, we show more regard for the interest of the sons in the joint family. When we come here, we say that this should be done. I think it is not the right approach to the question. We must accept what we have done in clause 6. So, let-us try to see how we can do these things without being unfair to any of the heirs. What is the best under the circumstances? From that point of view, I submit that the present list, with the mother added to it, goes a long way. It was also decided by the Joint Committee but somehow or the other, the mother was dropped out of that list in the Rajya Sabha. I admit the force of the argument that the father and the mother are not descendants. Inheritance generally descends. But, we have to take into account another factor also. In our country, what some of our friends regard as the Hindu law is not only the law of Mitakshara and Dayabhaga. There is the matriarchal system which prevails in the west coast. They are as good Hindus as others. They have got as much right on the culture and the traditions and sages, and what not, as any other people. We have to take into account everything. We should be able to satisfy reasonably most of the people whom we want to bring together. There is so much regard for the mother I think it is the right decision. I also regard the mother with as much orthodox, ancient and cultural background as anybody else and I think it is right if we put the mother also in Class I. I believe that there can always be arguments for and against every inclusion and exclusion of any particular heir. As I said the Joint Committee gave their utmost attention to this. So, considering the circumstances, I think we should adopt the Schedule as it is.

Mr. Speaker: So, the mother should be transposed from Class II to Class I.

Shri Pataskar: It should be in this order : Son; daughter; widow; mother; and so on.

Mr. Speaker: It does not matter where she is. They are all simultaneous heirs.

Shri Pataskar: They are the preliminary heirs.

Mr. Speaker: But, she must be given the proper place. I shall now put the proposition to the vote of the House. Shri Barman and Shrimati Sushama Sen have given these amendments. Shrimati Sushama Sen's amendment is No. 223, which reads :

Page 12—

(i) line 9, *add* at the end "father; mother"; and

(ii) *omit* line.

But she has amended that amendment so that mother alone may be transposed from Class II to Class I. Shri Barman's amendment is 239 and it reads :

Page 12—

(i) line 5—

before "Son" *insert* "Mother";

(ii) line 11—

omit "mother".

Mr. Speaker: In view of the Amendment No. 239 as amended being adopted I need not put amendment No 223 to the vote of the House.

But, I think we shall insert the word "Mother" in this order: "Son; daughter; widow; mother; son of a predeceased son...." So, she will be the fourth. Of course, the word "mother" will have to be omitted from Class II. So, I shall now put the question. The question is :

Page 12—

(i) line 5—

After "widow";

insert "mother";

(ii) line 11—

omit "mother";

The motion was adopted.

Now, we will take up the daughter. So far as the daughter's share is concerned, all the amendments have been withdrawn: whether it is half share or one-fourth, and so on. The only thing that remains to be seen is whether both the married and unmarried daughters should have shares or it must be restricted only to unmarried daughter. Now, this amendment has been moved by Shri Krishna Chandra, and there is a similar amendment of Pandit Thakur Das Bhargava. For the word 'daughter', Shri Krishna Chandra by his amendment No 228, wants to substitute 'unmarried daughter' in Class I. The question is :

Page 12—

for lines 5 to 9, *substitute* :

"Son and his wife, unmarried daughter; son of a predeceased son and his wife, daughter of a predeceased son; widow of a predeceased son; son of a predeceased son of a predeceased son and his wife; unmarried daughter of a predeceased son of a predeceased son; widow of a predeceased son of a predeceased son; widow mother."

The motion was negatived.

2 P.M.

Mr. Speaker: Now I come to the amendments of Shri H. G. Vaishnav. The question is :

Page 12, lines 5 to 7—

omit "daughter of a predeceased son; son of a predeceased daughter; daughter of a predeceased daughter"

The motion was negatived.

Mr. Speaker: The question is :

Page 12, lines 8 and 9—

omit "daughter of a predeceased son of a predeceased son"

The motion was negatived.

Mr. Speaker: Now Pandit Thakur Das Bhargava has tabled an amendment saying that a son and his wife should both get one share. Is it the intention that each one should have a share separately?

Pandit Thakur Das Bhargava: The wife and her husband should both together get one share.

Mr. Speaker: The amendment is that instead of "son" being the first item in class I, it should be "son and his wife". He wants that they should get the share jointly. I will put it to the vote of the House.

Shri Sinhasan Singh: If the son is alive there is no question of the wife getting the property.

Mr. Speaker: Why not? That is the suggestion. She is not succeeding to her husband, she is succeeding to her father-in-law.

Shri Nand Lal Sharma: As part of her husband.

Mr. Speaker: I will put it to the vote of the House. The question is:

Page 12, line 5—

for "Son" *substitute* "Son and his wife'"

The motion was negatived.

Mr. Speaker: Now I will put class I of the Schedule to the vote of the House.

Shri V. G. Deshpande: What about my amendments, Sir? I want the exclusion of daughter-in-law and grand-daughter-in-law from class I.

Mr. Speaker: That is included in Shri H. G. Vaishnav's amendments.

Shri V. G. Deshpande: No, Sir, My amendment seeks to omit widow of a predeceased son and widow of a predeceased son of a predeceased son in the case of joint family property.

Mr. Speaker: I will put that also to the vote of the House. He wants to make a restriction regarding joint family property, in view of the amendment we have made to clause 6. The question is:

Page, 12—

after line 9, *add*:

> "Provided that in the case of joint family property, widow of a predeceased son and widow of a predeceased son of a predeceased son may be omitted".

The motion was negatived.

Mr. Speaker: Now I will put all the other amendments to the Schedule to vote.

The question is:

Page 12—

for the Schedule, *substitute*:

"THE SCHEDULE"

(*See* Section 8)

Heirs in Class I and Class II

Class I

Son; son of a predeceased son; son of a predeceased son of a predeceased son; widow; widow of a predeceased son; widow of a predeceased son of a predeceased son; and unmarried daughter (who is neither a widow nor a divorcee).

Class II

1. Daughter (including a married, widowed or divorced daughter);
2. Daughter's son;
3. Father, mother;
4. Son's daughter, daughter's daughter;
5. Brother;
6. Sister;
7. Son's daughter's son son's daughter's daughter, son's son's daughter, daughter's daughter's son, daughter's son's son, daughter's daughter's daughter, daughter's son's daughter;
8. Brother's son, sister's son, brother's daughter, sister's daughter;
9. Father's father, father's mother;
10. Father's widow;
11. Brother's widow;
12. Father's brother;
13. Father's sister;
14. Mother's father, mother's mother;
15. Mother's brother;
16. Mother's sister."

The motion was negatived.

Mr. Speaker: The question is:

Page 12, line 5 —

for "daughter" *substitute*:

"daughter and her husband"

The motion was negatived.

Mr. Speaker: The question is:

Page 12, line 5 —

for "daughter" *substitute*:

"unmarried daughter"

The motion was negatived.

..**Mr. Speaker:** The question is:

Page 12, lines 5 and 6—

for "daughter of a predeceased son" *substitute* "unmarried daughter of a predeceased son"

The motion was negatived.

Mr. Speaker: The question is:

Page 12, line 6—

omit "son of a predeceased daughter"

The motion was negatived.

Mr. Speaker: The question is:

Page 12, lines 6 and 7—

omit "daughter of a predeceased daughter".

The motion was negatived.

Mr. Speaker: The question is:

Page 12, lines 8 and 9—

omit "daughter of a predeceased son of a predeceased son".

The motion was negatived.

Mr. Speaker: The question is:

Page 12, lines 8 and 9—

for "daughter of a predeceased son of a predeceased son" *substitute:*

"unmarried daughter of a predeceased son of a predeceased son"

The motion was negatived.

Mr. Speaker: The question is:

Page 12—

omit lines 12 to 15.

The motion was negatived.

Mr. Speaker: Now I will put Pandit Thakur Das Bhargava's amendment No. 189 as amended by his amendment No. 221.

The question is:

Page 12—

for lines 5 to 9 *substitute:*

"Son and his wife in equal shares widow; unmarried daughter; son and his wife of a predeceased son; widow of a predeceased son; son and his wife of a predeceased son of a predeceased son; widow of a predeceased son of a predeceased son, mother and father."

The motion was negatived.

Mr. Speaker: The question is:

Page 12—

for lines 4 to 10, *substitute*:

"Class I

Widow

Class II

I. Son; daughter; son of a predeceased son; daughter of a predeceased son; son of a predeceased daughter; daughter of a predeceased daughter; widow of a predeceased son; son of a predeceased son of a predeceased son; daughter of a predeceased son of a predeceased son; widow of a predeceased son of a predeceased son."

The motion was negatived.

Mr. Speaker: The question is:

Page 12—

(i) line 5—

after "son of a predeceased son" *insert:*

"mother; father;" and

(ii) *omit* line 11.

The motion was negatived.

Mr. Speaker: Now I will put class I of the Schedule to the vote of the House. The question is:

"That class I, as amended, stand part of the Schedule."

The motion was adopted.

Mr. Speaker: We have already omitted the word "mother" from class II and added it to class I. I will put class II also to the vote of the House.

The question is:

"That class II, as amended stand part of the Schedule."

The motion was adopted.

Mr. Speaker: Now I will put the Schedule as a whole to the vote of the House. The question is:

"That the Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Schedule, as amended, was added to the Bill.

Clause 10.—(*Distribution of property among heirs in Class I of the Schedule*)

Mr. Speaker: Now let us make the consequential amendments to clauses which have been allowed to stand over. In clause 10, Rule 1 stands as it is. There is no amendment to that.

Shri Pataskar: In Rule 2, after "surviving sons and daughters" we have to add "and the mother".

Shri S. V. L. Narasimham (Guntur): I think we may put it in this way: "surviving sons and daughters of the intestate, and their mother."

Shri C. C. Shah: "And the mother" of the intestate?

Shri S. V. L. Narasimham: I only want that "surviving" need not necessarily be carried with the mother.

Mr. Speaker: Unless she survives, how can she be entitled? Why can't we say "surviving mother"? All of them survive as heirs.

Shri S. V. L. Narasimham: So far as the children are concerned, they may survive.

Shri C. R. Chowdary: It is better to have a separate Rule altogether.

Shri Pataskar: I will move my amendment formally. I beg to move:

Page 6, line 10—

after "daughters" *insert* "and the mother"

This is the correct way in which it can be done.

Shri S. V. L. Narasimham: Supposing we eliminate the word "surviving"?

Mr. Speaker: We do not know about the vested interests and others.

Shri C. C. Shah: In view of Rule 3, the word "surviving" in Rule 2 is necessary.

Mr. Speaker: I will put the amendment to move:

The question is:

Page 6, line 10—

after "daughters" *insert* "and the mother".

The motion was adopted.

Mr. Speaker: Now I will put Rule 1 and Rule 2, as amended, to the vote of the House. The question is:

"That Rule 1, and Rule 2 as amended, stand part of Clause 10".

The motion was adopted.

Mr. Speaker: There are no amendments needed to Rules 3 and 4. So, I will put them also to the vote of the House.

The question is:

"That Rule 3 and Rule 4 stand part of Clause 10."

The motion was adopted.

Mr. Speaker: The question is:

"That clause 10, as amended, stand part of the Bill".

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Mr. Speaker: There is amendment No. 112 proposing clause 10A by Shri B. P. Sinha.

The question is:

Page 6—

after line 24 *insert*:

"10A. The widow (or widows) shall not have the right to dispose of her property as the property will go to her male issues after her death. She can sell the property only if the property is not sufficient for her maintenance. The sale of property will take place with the consent of the District Judge and preferably to her male issues (sons), if they so desire".

The motion was negatived.

Mr. Speaker: Clauses 12 and 13 have already been omitted. I shall now put clause 14 to the vote of the House.

The question is:

"That clause 14 stand part of the Bill".

The motion was adopted.

Clause 14 was added to the Bill.

Clause 15 was added to the Bill.

Shri V. G. Deshpande: I have got amendment No. 114 to insert new clauses 15A and 15B, regarding the rights of a married Hindu female in the property of her husband. We have provided for absolute rights in clause 16 and I am now trying to give some new rights to the female by these new clauses.

I beg to move:

Page 7—

after line 13, *insert*:

"Rights of a married Hindu female in the property of her husband."

"15A. (1) A female Hindu shall, on her marriage, be deemed to have become co-owner with her husband of his separate property which he owned at the date of his marriage with her

[Shri V. G. Deshpande]

and which he might have come to own subsequently during the continuation of his marriage with her.

(2) The interest which the Hindu female acquires in her husband's property in accordance with the provisions of sub-section (1) shall be a fluctuating interest and its exact value and mode of enjoyment at any moment shall be determined according to the rules specified below :

(i) A married Hindu female shall, during the period of coverture, be entitled to joint possession and enjoyment of her husband's property along with her husband. She shall not be able to demand partition and separate possession of her share in such property so long as she continues to live with her husband.

(ii) On her, or on the husband, obtaining a decree of judicial separation, she shall be entitled to demand partition and separate possession of her share in the husband's property.

(iii) She shall be entitled to demand partition and separate possession of her share in her husband's property on a final decree, dissolving her marriage, having been made by a competent court. She shall be entitled to retain such separate possession of the said property till the date of her remarriage with some other person, when the said property shall revert to her husband, or in case of his death, to his heirs.

(iv) During coverture, she shall be entitled with her husband's consent to dispose of by way of gift, devise or for value, or otherwise, her interest or part of such interest in her husband's property.

(v) Her husband shall, before dealing for personal use with his property, over which his wife has rights of co-ownership, obtain the consent of his wife enabling him to so deal with it.

(3) Subject to above rules, the husband shall as *Karta* or manager of the family, and of the property subject to the co-ownership of his wife and himself, be entitled to deal with it as a manager of a joint Hindu family possessing the same rights, powers and responsibilities as such manager has.

(4) On the death of her husband, the rights of a Hindu female shall as a co-owner in his property, cease and she shall, in the capacity of widow, be entitled to inherit a share in the property as one of his heirs as given in the Schedule below.

(5) Subject to the above rules the property held by a married Hindu female as a co-owner with her husband and property inherited by a Hindu female from a deceased male belonging to the family in which she was married shall be owned by her as a limited estate and it shall devolve on her death on the heirs of the last full owner.

(6) The interest which a married Hindu female takes in her husband's property shall be subject to the same fluctuations, if any as her husband's interest is, owing to births and deaths and marriages taking place in the family.

15B. The brothers, whether of full blood or half blood, of an unmarried female Hindu (neither a widow nor a divorcee) whose father is dead, shall be responsible for arranging her marriage, and they shall be entitled to use the property, (or its value) inherited by her from her father towards the marriage expenses."

Shri S. V. L. Narasimham: I rise to a point of order. We are now concerned with codifying the law relating to succession. You know, Sir, that succession comes up only on the death of a person, and as such, the amendment of Shri Deshpande in attempting to create an interest in the property of the husband at the time of the marriage of the daughter is not at all within the ambit of this particular Bill.

The next question is, he is also putting some limitations on the enjoyment of the property which a woman inherits. So far as that aspect of the amendment is concerned, it pertains to clause 16. At any rate, it does not come under his clause 15A. Thus, the objection is two-fold. Firstly, his amendment does not come within the ambit of the law itself, and secondly, part of his amendment could be discussed only when we discuss clause 16.

Shri C. C. Shah: I agree with the point raised by Shri S. V. L. Narasimham, and indeed I wanted to raise that point myself.

Shri Pataskar: The main portion of his amendment relating to new clause 15A does not arise now. Of course, I have nothing to say about the idea of taking the wife into a joint family, but certainly it cannot be included in this Bill which relates to inheritance. Inheritance opens up only after the death of somebody, and all the matters referred to by Shri V. G. Deshpande can be brought in only when a law relating to families or a family law is enacted. So, his amendment is outside the scope of this Bill.

Shri K. K. Basu (Diamond Harbour): If there are a number of wives, how to calculate the shares?

Shri V. G. Deshpande: According to the new law, there cannot be a number of wives. But still, if there are more than two widows and more than one wife, they also will form one coparcenary. They form, all together, one coparcenary. The husband will be the *kartha*.

I had anticipated this objection. I have proposed these amendments because I feel that the object of this Bill is not only to provide for a succession and giving of certain rights to Hindu women in property, but something more. So, in the name of the Bill itself, I have proposed the amendment to include the rights of a married Hindu female in the property of her husband. Apart from this, we find in clause 16 that any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner. This has nothing to do with succession. This does not happen after death, but this happens after this Act is passed. The female is given the absolute interest and not a limited interest in the property under clause 16. Clause 16, therefore, gives some rights to women. Therefore, it is very clear that the purview of this Bill can include the giving of additional rights to women. If clause 16 is in order, I may humbly submit that my new clause 15A is also within the purview of this Bill.

There is another aspect. The decision we have taken on Pandit Thakur Das Bhargava's amendment is different from this. That gives succession to married women after the father-in-law's death, while my amendment gives certain rights to women as soon as they are married. Therefore, my main contention is that if clause 16 is in order, then clause 15A also is in order. If my amendment is not accepted, then, the provision for giving property to a female Hindu and making the limited estate absolute, should not also form part of this Bill.

Shri Pataskar: Clause 16 is entirely a different clause, and it deals with an entirely different matter. At the present moment, we are dealing with inheritance and we naturally want to say that the rights of women should be absolute in respect of inheriting the property. The explanation given under clause 16, I think, will make the position clear. Anyway, we shall come to it when my friend objects to clause 16.

Shri Nand Lal Sharma: The explanation under clause 16 makes it all the more clear. Clause 16 has nothing to do with intestate succession. The explanation says:

> "In this sub-section, "property" includes both movable and immovable property acquired by a female Hindu by inheritance or devise, or at a partition, or in lieu of maintenance or arrears of maintenance, or by gift from any person, whether a relative or not..." etc.

So, it has nothing to do with intestate succession. There is no question of intestate succession here.

Mr. Speaker: A point has been raised that the amendment of Shri V. G. Deshpande is out of order inasmuch as it enlarges the scope of the Bill. The scope of the Bill is stated in the preamble: It is "a Bill to amend and codify the law relating to intestate succession among Hindus". Therefore, Shri Deshpande's amendment is not within the ambit of this Bill. As against that, Shri Deshpande has pointed out to clause 16 wherein not only property acquired by inheritance or succession, but also property in the possession of a female Hindu, by whatever method she might have acquired it—either by way of a gift or at the time of marriage or partition or in lieu of maintenance—has been enlarged and converted into absolute property. His point, therefore, is that this Bill does not confine itself merely to succession, but within its ambit some other things are also provided, relating to the property of a female. The difference has been ignored. Whatever is contained in the Bill is the scope of the Bill. The Bill may contain two distinct matters, once relating to succession and another conferring absolute property on women. No doubt, these two are two distinct matters; the second one may not arise out of succession. All the same, they have been introduced in the Bill. A number of distinct subjects can be introduced in the same Bill. But when an amendment is introduced, merely because there are two or three unrelated matters in the Bill, a fourth unrelated matter ought not to be introduced in the Bill by means of an amendment. The Bill, as originally introduced, consists of portions conferring absolute right on the property which she possesses or which she inherits. Now, we are not on modes of acquiring of property by women. Whatever is already there in the hands of the woman shall be her absolute property. Mr. Deshpande's amendment seeks to add to the categories of property which a woman can have. That is not within the scope of this Bill. He refers to Pandit Thakur Das Bhargava's amendment about the son and his wife being made the heirs and says that we are creating a new category of heirs. The desire of Pandit Thakur Das Bhargava was that the son and the daughter-in-law, the wife of the son, must become the heirs. That is quite legitimate. The two things that are provided for in this Bill are firstly, intestate succession and secondly enlarging of property already in the possession of women. New Methods of acquiring property are foreign to the scope of the Bill.

As Mr. Pataskar has said, this may be considered when legislation is introduced relating to family property and other modes of property. Of course, we do not know what exactly will be the scope of that Bill. But, I am sure that this is beyond the scope of the present Bill. Therefore, Mr. Deshpande's amendment is ruled out of order.

We have already passed clause 15. We now come to clause 16.

Clase 16.—(*Property of a female Hindu to be her absolute property*).

Mr. Speaker: The amendments to clause 16 are:

17, 176, 204, 231, 173, 203, 115, 222, 174 and 249 (in substitution of amendment No. 78).

Shri Gounder has given a new amendment as a substitute for amendment No. 78 which he had tabled originally.

Shri Rane: I beg to move:

Page 7—

for lines 14 to 16, *substitute*:

"16. (1) Any property acquired by a female Hindu after the commencement of this Act, shall be held by her as full owner."

Shri Kasliwal (Kotah—Jhalawar): I beg to move:

Page 7—

after line 24 *add:*

"(1A) Nothing contained in sub-section (1) shall apply to any ancestral property acquired by a female Hindu by way of inheritance or at a partition, where under any law or custom or usage a male owner acquiring any such property in similar circumstances would have held it subject to restrictions on his right of alienation with respect thereto."

Shri Dabhi (Kaira North): I beg to move:

(i) Page 7, line 19—

omit "maintenance or".

(ii) Page 7—

(i) line 14 for "possessed" *substitute* "acquired", and

(ii) line 15, *omit* "acquired".

Shri H. G. Vaishnav: I beg to move:

Page 7, lines 14 and 15—

for "Any property possessed by a female Hindu whether acquired before or" *Substitute* "Any property acquired by a female Hindu".

Shri K. P. Gounder: I beg to move:

Page 7—

for lines 25 to 27, *substitute:*

"(2) Nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will or any other instrument or under a decree or order of a civil court or under an award where the terms of the gift, will or other instrument or the decree, order or award prescribe a restricted estate in such property."

Pandit Thakur Das Bhargava: I beg to move:

Page 7, line 16—

for "as full owner thereof and not as a limited owner" *substitute:*

"with the same rights as those of a male Hindu."

Shri V. G. Deshpande: I beg to move:

Page 7—

for clause 16, *substitute* :

"16. (1) Save as otherwise provided in section 15A and in sub-section (2) of this section, where a female Hindu acquires any property, movable or immovable after the commencement of this Act, whether such property is acquired by inheritance from a male relative to whose family she belonged by birth, or from a female relative, or devise, or in lieu of maintenance or arrears of maintenance, or by gift from any person, whether a relative or not, before, at or after her marriage, or by her own skill or exertion or by purchase, or by prescription or in any other manner whatsoever, such property shall be held by her as full owner thereof and not as a limited owner."

Explanation :—Any such property as is referred to in this sub-section shall also include property held by a female Hindu as her *Stridhan* immediately before the commencement of the Act.

Shri C. C. Shah : I beg to move :

Page 7 —

(i) line 26, *after* "will" *insert* :

"or decree or order or award or any other instrument in writing"; and

(ii) line 27, *after* "will" *insert* :

"or decree or order or award or such instrument."

Shri Seshagiri Rao : I beg to move :

Page 7—

after line 16 *add* :

"Provided that the estate inherited or acquired before or after the commencement of this Act as a widow, if childless shall remain as a limited interest in her."

Mr. Speaker : These amendments are now before the House. Unless the amendment is short, hon. Members will give the substance of the amendment; they need not read it.

Shri Kasliwal : My amendment is a short one; but it deals with a crucial point. It points out the difference in the way in which joint property is going to devolve on the male heir and the female heir. It reads as follows :

> "Nothing contained in subsection (1) shall apply to any ancestral property acquired by a female Hindu by way of inheritance or at a partition, where under any law or custom or usage a male owner acquiring any such property in similar circumstances would have held it subject to restrictions on his right of alienation with respect thereto."

Under the Hindu Law, property devolves either by succession or by survivorship. In this Bill, we have said that joint property may also devolve by succession or by survivorship. Although I very much dispute the point whether joint property can devolve by succession, let us take it for granted that there is no dispute about joint property devolving by succession. In the case of Joint ancestral property devolving by survivorship, the male heir has got only a limited ownership of the property he gets by survivorship. That is to say, he cannot alienate the property, except for legal necessities. But, in the case of a female heir, by clause 16, she gets full rights, it says :

> "Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act shall be held by her as full owner thereof and not as a limited owner."

In the Bill as it was introduced in the Rajya Sabha, there was a clause similar to the amendment which I have now proposed, which said that if ancestral property was acquired by a female owner either by inheritance or partition, her rights would be no more than the rights of a male owner. Here the position is very much the reverse. Today the female owner has no right at all in the joint ancestral property; but, under this Bill, she will get a greater right than the male owner. This is highly anomalous and that is why I have moved this amendment which says that the rights of the female owner enjoying ancestral property shall be no more than the rights of the male owner.

Shri Rane : My amendment No. 17 is as follows :

> "Any property acquired by a female Hindu after the commencement of this Act, shall be held by her as full owner".

Clause 16, as it is, seeks to give retrospective effect to its provision. In the original Bill, the female heir was made the full owner only after the

[Shri Rane]

commencement of this Act. What is sought to be provided now by the Bill involves a very dangerous principle. It says, "any property possessed by a female Hindu whether acquired before or after the commencement of this Act. . . ." etc. My objection is two-fold. My first objection is to giving retrospective effect in case of property legislation which is a very dangerous principle. My second objection is that the word "possessed" will play havoc in the society.

In reagrd to my second objection, I do not know why the Joint Committee preferred the word "possessed". In the original Bill, the word used was "acquired" and not "possessed". Again, in Section 91 of the Hindu Code also, the word "acquired" was used. I find that the Joint Committee has remained silent as to why they have preferred the word "possessed"; I would like to know from the hon. Minister the reason for this. We know that in the past several properties have been given either to the widows or other female relatives by way of maintenance. No body then ever imagined that the female will be given absolute ownership of those properties. Also, if we keep clause 16 as it is, the question of *bona fide* transfers will come in. Some widow might have given a limited property for her lifetime, which can have a charge or encumbrance. I do not know what will be the fate of that encumbrancer or transferee.

Therefore, my submission is that my amendment No. 17 should be accepted by the hon. Minister. I commend my amendment to the acceptance of this House.

Shri Dabhi: I have moved two amendments Nos. 204 and 231. I shall first deal with amendment No. 231.

Clause 16 (1) says:

> "Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner."

When a particular property is possessed by a female, it may be a mortgaged property. When a woman is in possession of such a property, she cannot become the full owner of that property. It will not be proper. Therefore, I have said that instead of the word "possessed", the word "acquired" should be substituted.

The only difference between my amendment and the amendment of Mr. Rane is that I have said that it may be given retrospective effect also.

I now come to my second amendment No. 204. From the explanation to clause 16, you will find that a woman will become the absolute owner of any property which she would have got by way of maintenance. Mr Rane has just now dealt with that point. Under the existing Hindu Law, the wife is not entitled to any share in the property. Only, she can claim maintenance. There are several cases where lands and buildings have been given to her by way of maintenance. In some cases, widowed daughters also have been given lands and houses. What will happen if this explanation is accepted as it is? She will become the absolute owner of any immovable property that may be given to her by way of maintenance. Again, when the man dies, then also she would be entitled to another share and she will have absolute ownership over that also. It is quite unfair that the same individual should get several shares, one share by way of maintenance, another share when the man dies and so on. We want to give equal rights to women, but they should not get the share twice over. I hope this is a very important and proper amendment and the Government will accept it.

Shri C. C. Shah: Mr. Speaker, this clause 16 raises three issues. One is that the property being given to the female is made absolute. The second question is whether property acquired or possessed by her before the commencement of the Act should also be made absolute and thirdly, whether the explanation, should be amended. Apart from these things, there is one more fundamental question raised by the amendment of my hon. friend Shri Kasliwal in his amendment No. 176.

By that amendment what he wants is this: Where a female acquires any property which is joint family property or under clause 6 as amended, then, the character of that property acquired by the female should remain in her hands as it would remain in the hands of the male. I appreciate the logic of that argument. Because, if a female owner held it as a restricted owner, without the right of alienation, without the power of gifting it away to anybody, it is incongruous, logically speaking, that the female owner should hold it absolutely. I would put it in another way. There is no way out of it, because this amendment contains something more. What follows? To whom does the property go after death of the female? A male the Mitakshara property as a limited owner. It goes to the coparcenary after his death by survivorship. When a female heir has taken it, daughter or daughter's daughter and so on, logically speaking, if my hon. friend's amendment were to be followed, the property must revert back to the coparcenary. This is impossible in the scheme of things which we are having in this Bill—that is an added argument to what I said—in which we put an end to the coparcenary. The illogical things which we are having in this Bill, which will create complication, are inevitable. Therefore, this invidious distinction between a male owner and a female owner must remain as a logical consequence of the compromise which we are accepting namely, that the female owner will become an absolute owner of the co-parcenary share which she receives.

Shri Kasliwal: It is the most illogical consequence.

Shri C. C. Shah: There are many illogical things in this Bill. I entirely agree.

Then, about property held by a female at the commencement of this Act being made absolute; generally speaking I agree, retrospective legislation is bad and should be resorted to only in an emergency, when it is inevitable or absolutely necessary or such a situation has arisen that unless we remedy it something worse shall follow. In this case, no such emergency has arisen. One can sympathise and say that the property held by the females at present, by widows or other female heirs, should be made absolute.

Well, that is an argument, but it is not an argument for any retrospective legislation. Whether one agrees with it or not is a different proposition.

Speaking for myself I would have preferred—because it would not make much difference that it should not have been given retrospective effect, for this reason that it will create many complications. Titles have passed, for example, and properties have changed hands. People have entered into transactions on the faith of the existing law, relying on the fact that the female has particular rights, no more or no less. All those titles to properties will be upset by giving retrospective effect. My friend Mr. Nathwani sitting near me asks "How?" Well, if you sit in the Solicitor's office and examine people's rights to property you will understand how these rights are upset when you give retrospective effect. Arguing on a brief prepared by a solicitor, ready-made, is quite different from sitting in the solicitor's office and examining people's rights to property!

But I will not quarrel with that. I wish to say something also about my amendment No. 222. It is amplified by the amendment given by my hon. friend Shri Gounder. That amendment will partly mitigate, if I may say so, the rigours of the retrospective effect which we are giving by sub-clause (1). Of course that amendment is intended to apply both retrospectively and prospectively.

Shri Kasliwal: You have again come with a compromise formula.

Shri C. C. Shah: I am always for it, and particularly in this Bill.

Pandit Thakur Das Bhargava: You have compromised the entire Hindu joint family in this Bill!

Shri C. C. Shah: In sub-clause (1) we give an absolute estate. Assuming that by my will....

Pandit Thakur Das Bhargava: Will you kindly read your amendment?

Shri C. C. Shah: It is like this:

> "Nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will or any other instrument or under a decree or order of a civil court or under an award where the terms of the gift, will or other instrument or the decree, order or award prescribe a restricted estate in such property."

The object of the amendment is this, that though in sub-clause (1) we make the estate of the female absolute, assuming that I have made a gift to my wife, and the gift is on condition that she will pay Rs. 150 per month to my daughter for her life—that is imposing a restriction on the absolute estate given by the gift—sub-clause (1) should not be intended to mean, where within the terms of the gift I impose a restriction

[Shri C. C. Shah]

on very good reasons, that those restrictions are done away with.

Take a partition deed between sons. There is one property which cannot be divided by metes and bounds. So I give that one property to the mother, for example but on condition that out of it she will pay to the daughter one hundred rupees for her maintenance, or on condition that the mother will enjoy half the income and so on. For an equitable distribution, on a partition, if under an instrument the parties have agreed that the property will be held...

Pandit K. C. Sharma (Meerut Distt.—South) : How does the language of this clause 16 (1) interfere with the interpretation that you are giving?

Shri C. C. Shah : If you read the Explanation you will see. The Explanation says, "In this sub-section, 'property' includes both movable and immovable property acquired by a female Hindu by inheritance or devise, or at a partition, or in lieu of maintenance or arrears of maintenance, or by gift from any person, whether a relative or not, before, at or after her marriage, or by her own skill or exertion, or by purchase or by prescription, or in any other manner whatsoever...."

So, if under a partition, for example, she acquires property which is under a certain restriction—or under a gift—, then, after the commencement of the Act if she acquires it and it has certain restrictions those restrictions must continue to operate.

Shri S. S. More : Is not this explanation for counter-acting it visualized under the Hindu Law up to now? It will not affect the other conditions. Even in the case of a male, if a gift is made subject to certain conditions, those conditions will stand.

Pandit K. C. Sharma : He reads too much into it.

Shri C. C. Shah : When you say that all property acquired by a female either by gift etc., shall become absolute, it would mean as if, even though the terms of the gift or will impose restrictions, she will hold it absolutely. Sub-clause (2) is intended to make it clear that it is not intended to affect the terms of the gift or will. Suppose there is a decree or order of the court, or there is an award between the parties. I know of a case in which people have come to partition of a joint family property in which the widow has been given something. She holds it under certain restrictions.

Shri S. S. More : May I seek a further clarification? Suppose the court, believing that a widow gets only a limited estate, and on the basis of that knowledge have introduced certain restrictive clauses in a decree, the basis of that clause being the fact that the widow under the present law inherited a limited interest, do you mean to say that even such a restriction imposed to that aspect of the law should continue?

Shri C. C. Shah : After this law no court can be under any misapprehension, because under this at once the widow will get it absolutely. If a decree has been passed before the commencement of this Act under the existing law, of course we do not want to disturb the decrees already passed by the court or awards already made. That is the intention. But after the commencement of this Act, no court can be under a misapprehension and pass a decree of the type which Mr. More points out. Sub-clause (2) is intended to make clear what is already intended in sub-clause (1).

Shri C. R. Chowdary : May I ask my hon. friend for purpose of explanation? Suppose a decree is passed by way of a compromise, and under it certain properties were given in lieu of maintenance. If his amendment is accepted, those properties also will be exempted. Is it not so?

Shri C. C. Shah : It is true that if there is a decree of a court which gives the property in lieu of maintenance, and if that decree says that she holds it with certain restrictions, those restrictions will continue. We cannot upset all decrees by a stroke of the pen.

I therefore submit that the amendment of my hon. friend Shri Gounder may be accepted.

Mr. Speaker : Shri K. P. Gounder. He has given notice of an amendment.

Shri K. P. Gounder : My amendment is :

In page 7, for lines 25 to 27, *substitute* :

> "(2) Nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will or any other instrument or under a decree or order of a civil court or under an award where the terms of the gift will or

other instrument or the decree, order or award prescribe a restricted estate in such property."

This has been explained by my hon. friend Shri C. C. Shah. This only says that where a woman acquires a property under a document which prescribes a limited estate, you cannot expand it. Otherwise, if she inherits a property, she gets it absolutely. But if she gets it under a document which gives her only limited rights, they cannot be expanded.

Mr. Speaker: If she has inherited a certain property before this Act, say, as widow of her husband, without any instrument does not the Bill confer absolute right on here?

Shri C. C. Shah: Yes.

Mr. Speaker: If she has succeeded even before the passing of this Act as the heir to her husband under the law as it exists today, it is only a woman's limited estate that she gets without any right of alienation except for right, etc. Under this Bill that property is sought to be made absolute.

Shri C. C. Shah: Yes, you have put a very relevant question.

Mr. Speaker: Will not this amendment interfere with that right?

Shri C. C. Shah: No, it will not.

Mr. Speaker: Whatever is inherited hitherto or after the passing of this Act by a woman as heir to some other person—hitherto a woman, in whatever capacity, either as daughter to father or as widow to husband, acquired only a limited estate and thereafter it reverted to the reversioners of either the father or the husband—that stands?

Shri C. C. Shah: Yes.

Mr. Speaker: The amendment does not interfere with that. It only refers to cases contemplated in the Explanation and makes it clear that except where under a decree only some consideration of property is given and there is only some interest, the other things will not be affected. And he wants these to be excluded.

Shri C. C. Shah: There is this anomaly as you have rightly pointed out. If a widow has inherited property, then she gets it absolutely under the Act. But if there is a widow and there are sons and they have come to a partition and there is a deed of partition and under that she takes a limited estate, it is limited. There is that anomaly. I appreciate it.

Mr. Speaker: You mean that without restrictions she takes it in the first case. Only where there are restrictions by terms agreed upon between them and there is a document, there is this limitation. Very well.

Shri A. M. Thomas (Ernakulam): Will not the general law save those contracts even without this explanation?

Shri C. C. Shah: No, no. It will not.

Mr. Speaker: The explanation is there hon. Members should read. Unless hon. Members are opposed to it, there is no harm in making it clear.

Shri H. G. Vaishnav: The wording of this clause 16 is not clear. Moreover, it will have very serious consequences. Apart from the right being given to the daughter and the females, this clause goes further and gives them absolute right in the property. That is one very important aspect of this clause.

Secondly, not only the right of the female to the property becomes absolute but it is being given retrospective effect. That is another important feature.

Thirdly, I do not know why the word "possessed" is being kept here. It is so ambiguous here that it may convey any meaning and upset whatever might have been legally done up to this time.

The Explanation to this clause is also. I think, not so properly worded. According to it property includes everything movable and immovable, whether it is given for maintenance or is acquired by the female by any device, etc. There is no definition in law of "device". It includes also marriage gift, pre-marriage gift and so on and so forth. This Explanation creates further ambiguity. As has been just said by my friend Shri C. C. Shah, when we make a law, as far as possible it should not be with retrospective effect. The language of the law should be very clear and there should not be any complications unnecessarily introduced because of the wording of the clause. If we can avoid all these three things and make a law, it can be very easily implemented.

So, firstly, why should retrospective effect be given to this clause ? No reason is given why property which is not only inherited, but possessed by the

[Shri H. G. Vaishnav]

female should be given to her absolutely, and that too with retrospective effect. About absolute rights, of course that principle has been accepted by the House, and I do not want to say anything more. If she is to get property under this law, she may get it absolutely, but then what is the good in giving retrospective effect to this clause? Property might have been acquired by her according to the present law in various circumstances as has been explained by so many other friends. When property is given to her, it is really given according to the present law. If retrospective effect is given to clause 16, the property that she might possess in whatever condition will become absolutely hers after the enforcement of this law. And the word "possessed" is dangerously put in here. There is, of course, actual possession, constructive possession or other nature of possession in law. The mere word "possession" will create so many complications. If she possesses property as trustee or guardian or any other capacity, having no right in the property, after the enforcement of this law, it becomes her absolute property. I do not know how this arbitrary ownership is granted to her. A woman's absolute right of property is conferred on her under clause 16 without any reason. May I know from the Minister the grounds? What is the reason for specially giving retrospective effect?

Shri Pataskar: This is not retrospective.

Shri H. G. Vaishnav: The clause reads :

> "Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act...."

Since the words "before the commencement of this Act" are there, I do not understand how my hon. friend says that it has no retrospective effect.

Shri Pataskar: I shall explain.

Shri H. G. Vaishnav: If the words "whether acquired before or" are deleted according to my amendment, it will not have retrospective effect, but since the words are there, I say it has retrospective effect. Secondly, the word "possessed" is so ambiguous that it should be changed or deleted, and instead of that the word which was already in the Code or in the Bill itself previously, namely "acquired" should be put in.

Then again, as regards the amendments moved by my hon. friend Shri C. C. Shah, they may to a certain extent clear some ambiguities, but still I think they will not suffice to remove the original complication that may be created by clause 16 (a) as well as the Explanation.

So, my humble submission is that it should not have any retrospective effect while giving rights of property to the female under this clause, and secondly the Explanation should not have such a wide scope as to create further complications. In view of this, I submit that my amendment No. 173 may be considered and accepted by the hon. Minister.

Some Hon. Members *rose*—

Mr. Speaker: Shri Nathwani.

Shri K. G. Deshmukh (Amravati—West) : This amendment is also in my name.

Mr. Speaker: Both of them joined together and one spoke.

Shri K. G. Deshmukh: I want to say something more than that.

Mr. Speaker: I have called Shri Nathwani.

Shri N. P. Nathwani (Sorath): There has been opposition to this clause on the ground that it should not be given retrospective effect, but when some lawyer friends have opposed it on that ground, I am really surprised, because they know that the real nature of a woman's estate is not that she merely takes it as a life tenant. She takes it absolutely subject to certain restrictions. During her life-time, no reversioner can say that he has a vested interest or right in the property.

Secondly, it must be borne in mind that this suggestion to turn a limited estate into an absolute one has been on the legislative anvil for the last 15 years. I have no desire to trace the history of this part of the legislation, but the suggestion has been made since 1941 to give the female heirs an absolute interest. Because there was some controversy regarding the share to be given to the daughter and whether the female should have a share in coparcenary property or not, and because the Constituent Assembly and the provisional Parliament were encumbered with other important legislative business, this Bill could not be passed into law. That is why since last several years this provision was not enacted.

Then there is the third ground which seems to have received no attention so far. We are confining our attention merely to the estate which has been inherited by females, and it has been suggested that that interest should continue as it is, namely as a limited interest. But, if friends apply their mind and consider the position which prevails today so far as the capacity of females to deal with *stridhan* property is concerned, the necessity of making this provision a retrospective one will become abundantly clear.

There are several lady Members today in the House. They are getting a salaray of Rs. 400 a month. According to the Mitakshara school of law, even though they are earning this salary, they are not in a position, and they have not the power to dispose of that money as they like.

3 P.M.

Some Hon. Members: How?

Shri N. P. Nathwani: That is what I am trying to explain. I would request the hon. Members to listen to me.

A female acquires property in several respects. It is her *stridhan*. But her power to dispose of the *stridhan* property varies according to the character of the *stridhan* property. Therefore, *stridhan* property is divided into two classes: One is known as the *saudayika*, and the other is known as the *non-saudayika*. Regarding *Saudayika* property, that is, property given to her through affection by her relations, she has the absolute power to enjoy that property, and she can alienate it as she likes, but even here, there is one restriction, and that is, that if the husband wants it, and he is in need of it, he can take it away from his wife...............

The Minister of Defence Organisation (Shri Tyagi): Why should he not?

Shri N. P. Nathwani: ...as a matter of fact even against the will of his wife. That is the provision.

Secondly, take the case of property which has been acquired by her, by her own skill and exertion, by mechanical arts, by working as a teacher or otherwise. So far as this property is concerned, she has got no power to dispose of it without the consent of her husband. Even a lady who has worked and accumulated some fortune is not in a position to dispose of it without the consent of her husband.

Shri Mulchand Dube (Farrukhabad Distt.—North): Does it apply also to gains of learning?

Shri N. P. Nathwani: She might have acquired this fortune either as gains of learning or otherwise, by working as a labourer, or as a nurse or in any other capacity. But the hon. Member should understand this aspect of the matter that even today, she cannot dispose of whatever property she has acquired by her skill and exertion without the consent of her husband.

Shri Tyagi: Does my hon. friend mean that even the lady Members of Parliament have no right to spend the pay that they receive from Parliament?

Shri N. P. Nathwani: No. This is the law. In fact, that is exactly the illustration that I have given. If my hon. friend or any other hon. Member wants further enlightenment, I can refer them to para. 143 of Mulla's book on Hindu Law.

Shri Kasliwal: Please read it out.

Shri N. P. Nathwani: It reads as follows:

> "*Rights over stridhan during coverture: Saudayika and non-saudayika.* ...."

When the husband is alive........

> "....the power of a woman to dispose of her *stridhan* during coverture depends on the character of the *stridhan*. For this purpose, *stridhan* is divided into two classes, namely, (i) *Saudayika*, and (ii) other kinds of *stridhan*. *Saudayika* means, literally, a gift made through affection. It is a term applied to gifts made to a woman at, before, or after marriage.... It also includes bequests from relations."

Then, the author proceeds to say what the power of disposition of the female is.

> "A woman has absolute power of disposal over her *saudayika stridhan* property even during coverture. She may dispose of it by sale, gift, will etc....Her husband has no control over it. He cannot bind her by any dealings with it. But he can 'take' it in case of distress as in famine, or during illness or imprisonment and so on."

[Shri N. P. Nathwani]

As regards the second category, namely property other than *saudayika stridhan*, the author goes on to say, that whereas *saudayika stridhan* can be disposed of by a woman at her pleasure and without the consent of her husband.

> "As regards *stridhan* other than *saudayika, e.g.*, gifts from strangers property acquired by mechanical arts etc. the rule is that she has no power to dispose of it during coverture, without the consent of her husband".

This is what the existing state of law is. That is why I say that those hon. Members who oppose clause 16 being made retrospective do not realise that the property which she has held and acquired by her own exertion or skill is not her absolute property; she cannot deal with it, as she likes, and that would be a great anomaly, if we say that that position should continue in respect of her past savings.

I now come to my hon. friend Shri Kalsiwal's amendment. He has argued and ably too, that it is a great anomaly that a female heir has absolute right of disposal, whereas a son who takes an interest is bound to hold it as a coparcenary property. But this is an anomaly. Even in the Rau Committee's report, we find this given as an anomaly. After referring to this and other anomalies they have pointed out that 'we are driven from point to point and we do not arrive at a logical halting-place, till we do away with or abolish the coparcenary system altogether'. That is an argument for doing away with the coparcenary system. But we have made a compromise, we have to reconcile ourselves to this existing anomaly.

I now come to the amendments moved by my hon. friends Shri C. C. Shah, and Shri K. P. Gounder. So far as instruments in writing are concerned, as you were pleased to point, there exists an anomaly. And it is a very strange anomaly at that. If the heirs come to an oral partition, then in respect of the share which goes to the widow, she will be entitled to hold it as an absolute property. But if they reduce that oral arrangement into writing, then it becomes an instrument in writing, and therefore, sub-clause (2) as sought to be amended would apply, and her interest would merely remain a limited one.

Shri C. C. Shah: If that writing imposes restriction, and not otherwise.

Shri N. P. Nathwani: Even in the past where, when an oral partition has been arrived at, the widow takes merely a limited interest, is it suggested that she takes an absolute interest? No, Suppose five years ago, a man died leaving three sons and a widow, and there was an oral partition. If that oral partition is allowed, the widow would take one-fourths share as a limited heir. By this provision it would be converted into an absolute interest. But suppose they had taken a further precaution of reducing it to writing, then the provisions of sub-clause (2) would apply, and she would merely continue to hold it as a limited estate. That is an anomaly too. But this Bill abounds in several—If I may be permitted to say so,—illogical provisions, and this is one of them.

Shri V. G. Deshpande: One more to the existing list.

Shri N. P. Nathwani: I have nothing further to add, and I have done.

Shri S. S. More: I was in the Joint Committee, and there we gave ample thought to this matter while we discussed this provision. But even then, I was not free from certain doubts about this clause.

If we read this clause, there are two interpretations which are likely to be advanced. The existing clause reads :

> "Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner."

The two interpretations that this particular clause is amenable to are as follows; Supposing a widow acquired her husband's property in 1941, then from 1941 up till the date when this Act comes into operation, she will hold that property as a limited property in her capacity as a limited owner. This clause may say that after the Act comes into operation, the interest of the widow which was limited up to the date on which this Act came into operation will immediately become an absolute interest. That is one interpretation. That is to say, the absolute character of the interest may begin from the date on which this Act comes into operation.

Now, what happens during the period from 1941 up to, say, 1956? She used that property, and she was enjoying that property as a limited owner. She entered into certain transactions, and those transactions will not be affected, if an absolute character is imparted to her estate after this Act comes into operation, or it may mean that the property acquired by her in 1941, immediately, the Act comes into operation, becomes absolute, not only after the commencement of the Act, but from the date of the acquisition.

It is quite possible to argue that way. If it becomes absolute from the date of acquisition then the difficulties pointed out by Shri C. C. Shah come in the forefront. Suppose she got that interest from her husband in 1941. Then she leased that property or sold a fraction of that property, and the reversioners got a substantial claim that it was not for legal necessity and they got the chance of the succession being questioned. If the second interpretation is accepted, that protection given by this clause would date back to the date of acquisition and not to the date of the commencement of this Act, then all the transactions come under a sort or cloud; the reversioners will cease to be reversioners because the purchaser of the property from the widow will become the absolute owner without any chance of his right or the alienation being questioned. But if we say that this only imparts the absolute character to the right of the widow after the commencement of this Act, then whatever property was alienated prior to that will stand in the same condition. But if certain widows did not part with their property and still remained in enjoyment of that property, then from the commencement of this Act, they will get the absolute character so that they can will away, gift away or do anything with it as absolute owners.

So it will be for the Minister to explain what is his real intention. When I was a Member of the Joint Committee as I have stated, I was not having a clear picture of the position that we were creating by this provision. If it is his intention to give absolute character to the property obtaining from the date on which she got the property from her husband, then it will be really retrospective in one sense, because whatever has happened between the date on which she acquired the property and the date on which this Act comes into operation will be in a sort of melting pot. But if we are only saying here that though the property was acquired before the commencement of this Act, after the commencement it will become absolute property like any other property acquired by a widow after the commencement of this Act, then the matter will stand on a different footing. So this clause needs further clarification by Government to bring out their intention for the information of this House.

Then Shri C. C. Shah made the point that certain transactions, gifts or certain other documents in which some restriction was imposed on the right of the widow, should be left unaffected, and to that extent, certain insertions ought to be made by way of amendment. To that, my reply will be that we are here removing the limited character of this thing. We are not questioning other transactions which might have taken place. Whatever other rights of challenging a particular document or enforcing certain rights acquired under a document under the general law are there, they will remain unaffected. We are here dealing with a limited aspect of the widow's estate. I will read out what the Rau Committee had said in 1941 after referring to this aspect of giving retrospective character with regard to this. This is on page 21 of the Report :—

> "There is a weighty body of opinion among Indian scholars that the doctrine of the Hindu women's limited estate has no real foundation in the *Smritis* and is unknown to Mitakshara. One writer has described it as the most prolific source of litigation in our courts. Another calls it the greatest single obstacle to the emancipation of Hindu women".

So if we take this opinion in its proper perspective, I think we shall be perfectly justified in emancipating our womanhood from the feudal bonds by giving absolute character to the inheritance which they get from their husbands. But we should be clear about how far retrospectively operating it should be, if we want to make a special provision in the interest of widows. The Rau Committee stated that this was one of the prolific sources of litigation. If we leave our meaning not sufficiently clear when we are legislating, it may become another source of litigation, and all persons who are to get some share from the widow would go to the courts for the purpose of getting the necessary clarification.

[Shri S. S. More]

So in the interest of the widows—we are not giving them any right; we are only removing a clog on their right—we should make this provision more clear. I would request the Minister to screen this particular provision in a still more thorough manner and remove the loopholes, if there be any. Otherwise, we shall be making a gift to the widows which will not be of benefit to them. On the contrary, they will be exposed to a very severe type of litigation because men robbed of their property, are worse than hungry tigers, and they will not allow any peace to the ladies who are supposed to benefit under this particular scheme.

Pandit Thakur Das Bhargava: I have moved my amendment No. 203 which runs thus:

> Page 7, line 16,—*for* "as full owner thereof and not as a limited owner" *substitute*—"with the same rights as those of a male Hindu".

Mr. Speaker: Is it the same as Shri Kasliwal's amendment?

Pandit Thakur Das Bhargava: Almost the same. There is a slight difference.

If we pass this Bill with the present provision, the ladies will get more rights in property than their brethren. In the first place, I would submit that so far as clause 16 is concerned, as Shri S. S. More has pointed out, there will be very great difficulties so far as Punjab is concerned. In the Punjab when there is alienation by a woman having a limited estate, then the reversioners bring in a suit and get a declaration from the court that the alienation is not binding upon them. From 1901 to 1918, there was a crop of litigation in the Punjab so far as these rights were concerned, Even now so far as males are concerned, even if a person wants to alienate his ancestral property, then the reversioners bring in a suit to the effect that after his lifetime the alienation will not affect their rights.

In regard to males and females, ordinarily in the Punjab the restrictions are almost similar. There is a difference in intensity. For instance, both cannot alienate their properties except for legal necessity. In the case of women the bounds of legal necessity are more extensive and more intensive than in the case of men. That is the only difference; otherwise, there is no difference.

As regards alienations which have already taken place, I do not know how they will be affected if we pass this provision. If the reversioner had got a decree that the alienation by the woman will not bind his interest, what would happen to the decree?

Shri S. S. More: It will be a nullity.

Pandit Thakur Das Bhargava: It should not be a nullity. If the alienation was not proper and the lady alienated her interest for a small consideration, I do not know whether she will be permitted to contest it on the plea that really she was given the full interest by this clause, according to Shri S. S. More, from 1941. In that case, her rights are affected and she could bring in a suit and contest saying that so far as the transferees are concerned, they should not benefit by this provision and she should not be adversely affected. The beneficiary should either be the lady or the reversioner. Why should another person be there? That is one aspect of the question. We shall have to examine this thoroughly.

Secondly, as I submitted, the attempt in this Bill was to bring the ladies on terms of equality with men. I can understand that. But still, so far as the general public in the Punjab are concerned, they will feel rather piqued at a situation in which the ladies have got more rights than men. The real background of this restriction was only to protect the interests of the revisioners, sons etc. Now, if these things continue even now as well in the case of ladies as in the case of male persons, there is no reason why the ladies should have more rights than men.

So far as my amendment goes, I have placed both of them on the same footing. Let them enjoy the same rights so that the ladies may not complain. But no case has been made out for enlarging the powers of ladies beyond the powers the men possess. This is, as I submitted, the position regarding the Punjab.

In the rest of India also, so far as coparcenary is concerned, his rights are not so absolute as they are made out to be, so far as clause 16 is concerned. I would therefore respectfully beg of you to kindly consider that it should not be made to appear that the mere touch of a lady coming by way of inheritance dissolve the Hindu coparcenary. When we were on clause 6, I submitted for the consideration of the hon. Minister that he should so change clause 6 that the continuance of the joint family may remain as it is.

He was pleased to say when he was replying to the debate on the motion for consideration of the Bill, that he was for the continuance of the joint Hindu family as such in spite of the fact that strangers came into the family. Therefore, I say, in pursuance of that promise, I would rather expect him to arrange the matter in such a way that the joint Hindu family is not disrupted by the mere fact that a lady or a woman becomes an heir in that family. All those restrictions which apply to males should apply to females also. They should be on the same footing as males and there is no reason why we should change the law in that matter.

Apart from that, this clause 16 is opposed to the general trend of law in so far as it gives retrospective effect to certain rights. What is the reason? We know that there are certain conditions that must be satisfied before retrospective effect is given to any law. If it is a remedial measure, I can understand that, because many people are going to be benefited by that. In that case an Act may have retrospective effect. In this case, I do not find any justification for giving retrospective effect.

You will see that clause 16 (1) says:

> "Any property possessed by a female Hindu, whether acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner."

What is the significance of the word 'possessed'? Supposing, it is a simple mortgage, then, the possession is with the lady. Supposing, it is a mortgage with possession, then, the lady is not in possession. Supposing there is some other kind of possession. We do not know how many complications will arise if we keep the words as they are. They must have some meaning if there is going to be retrospective effect on the rights of individuals. I do not think we are doing the right thing in putting the word 'possessed' there.

I find the Explanation is very vague.

Then, you will find that transfers by way of gift or will are covered by sub-clause (2). If there are any restrictive provisions in a will or in a deed of gift, then these retrospective provisions do not have any effect according to sub-clause (2). But, if the restriction comes in by way of agreement of parties or partition or arrears of maintenance, then, they do not have any effect. I do not see what difference is there between restrictions in a gift or a will and restrictions placed at the time of partition, etc. The law must be the same. Whenever parties have entered into a contract and have raised certain expectations and anticipations in regard to that transaction, that contract should not be disturbed in this manner. I would, therefore, submit that it is not right to put this Explanation and sub-clause (2). Those transactions which have already taken place should be allowed to remain as they are and should not be interfered with.

If you see clause 17 along with clause 16, another situation arises. We say in clause 16 that the estate of a lady will be regarded as an unlimited one. But, in clause 17 (2), we say:

> "any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter of the deceased (including the children of any predeceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the father;"

It means that she does not become a fresh nucleus for inheritance but you still cling on to the old ideas, which you say you have given up. What is the use of keeping sub-clause (2) there? Just as in the case of males, let her become a fresh stock of descent so that the inheritance can go on. If you want to keep these two things, it means, you still cling to the old things. When we said that on remarriage the widow should forfeit the property, you said, they were old things. It is not right.

Shri Pataskar: I did not oppose it on the ground of being old only but on practical considerations also.

Shri Tyagi: Old in age.

Pandit Thakur Das Bhargava: Last time, I submitted for your consideration that according to Act II of 1856, whenever a widow remarries, then, her property is forfeited. This was the view I submitted. In the Punjab today, and for hundred years, as soon as the remarriage takes place, the widow loses the property and it reverts back to the heirs of her late husband. This was not agreed to and everybody pooh-poohed the idea and said it was an old thing. My submission is, you are doing the same thing now in 17 (2).

Shri S. S. More: Is it not that this will come into operation after the death of the widow and till then she will be the absolute owner?

Pandit Thakur Das Bhargava: I have given only an analogy of the widow's property reverting to the heirs of her husband on remarriage. The question is one of the nature of the estate which the woman takes. There is no reason why we should make her estate a more extensive estate and give her absolutely unlimited rights. This will not be fair.

Shri V. G. Deshpande: I have to move an amendment.

Mr. Speaker: I have already given sufficient opportunities to hon. Members.

Shri V. G. Deshpande: I have also to raise a point of order. The Minister of Legal Affairs said that htis point of order may be raised at the proper time. I shall also state within two minutes what I have to say about this clause and amendment.

I entirely agree with my hon. friend Shri Kasliwal that the only test of possession should not be there. The best solution would have been that in plain words it should have been stated that after the passing of this Act, any property inherited would be inherited absolutely and not as a limited interest. That would have served the purpose. But the wording seems to be for creating discontent and litigation in courts. The word 'possessed' may mean many different things. A brother-in-law may make a transfer to the sister-in-law of an ancestral house knowing full well that it will ultimately come to him. If it is in her possession, according to this, the whole House would go to her. I do not know why this wording has been used, unless the intention is to create litigation and confusion. I do not want to indulge in any legal acrobatics because I am not a lawyer myself and I do not know what would be the result of this retrospective effect and this legislation. But, my appeal is that the wording should be such that by no stretch of imagination can litigation be increased. Even now, it is not too late. I have made suggestions whereby this wording can be changed. There can be other alternatives also.

So far as my point of order is concerned, as a ruling has already been given, and as Shri Pataskar himself said that this Bill is intended only for Hindu succession, a separate Bill should be brought for other matters which are also included in this. This clause 16 does not relate to succession only. The very wording says that the property of the female Hindu shall be her absolute estate. It not only gives her some right to property but it gives her power to do so many things; it makes provision to give her absolute estate. As Shri Pataskar is contemplating doing many things, I feel that this clause may conveniently be brought forward in other new legislation and there is no hurry to bring it here. I submit that this clause is out of order and should not be passed as a part of this Bill.

Shri Pataskar: So far as the point of order is concerned. you have already ruled it out.

Pandit K. C. Sharma: It is not a point of order; it is a point of disorder.

Shri C. R. Chowdary: Before the Minister begins, I have a doubt which he may clarify. It is with regard to the use of the word "succession" and "inheritance". There may be some difference between the meaning of the words "inheritance" and "succession". In the Explanation, the methods by which a female gets property has been enumerated and the word used here is only "inheritance" and the word "succession" has not been used at all here. If that word is deliberately omitted, in future the lawyers might turn round and say that property that has been acquired by way of succession will not be covered by clause 16, so much so, the limited estates got by females, that is, the estate of their husband in their capacity as widow, may not be covered under clause 16. Is it the hon. Minister's intention that the word "inheritance" is used synonymous with the word "succession"? Then let it should be made clear. But if the distinction has not been explained and is left untouched, probably in future it may give scope for a lot of litigation. The Minister may kindly make it clear that the word "inheritance" is synonymous with the word "succession".

Shri Pataskar: The present position with regard to estates held by women is this. There are, as you know, succession, inheritance and many other forms by which women hold properties, which has come to be known as "limited estates". It is the estate of which she is the owner with certain restrictions on it. I will come to that part later on. The word "possessed" has been used deliberately because, as my hon. friend, Shri More pointed out, if we use the word "acquired", then the consequences will be these. Supposing the widow or the daughter or a limited estate owner has acquired certain properties in 1940 or 1941 and has sold out that property, then probably it may be said that we are trying to legislate for something which is not proper. Because she has sold away that property, we cannot say that the property becomes her absolute property. I think the word "possession" is better and there will not be so much difficulty experienced. There are many cases in which a widow has inherited property. What is the purpose of the Bill? We should, in this legislation, not only make properties which may be acquired by such persons in future absolute, but even those which are already possessed by them. The idea is clear that we wish to make it absolute. There is some misconception in this respect by some hon. Members. I might point out that the whole thing that is, reversioner and limited estate, is really unknown to the original Mitakshara law and it is something which came into effect as a matter of following wrong interpretations or rather a mixture of certain ideas coming from outside, from England, and certain ideas from our own country. As a matter of fact, there was no such thing as reversioner or limited estate before these interpretations came into being. I would challenge even my hon. friend, Shri Nand Lal Sharma, to point out a single wording in the mitakshara which refers to reversioners (*Interruption*). Those people wanted only to provide for inheritance alike. whether it is man or woman. I would only refer to Mulla's *Hindu Law*, which is regarded as a standard thing today, and it says that even now, whatever may be the nature of the widow's right, her right is subject to certain restrictions on alienation and subject to its devolving upon the next heir etc. At the present moment, what is the position? She is the owner thereof. There are certain restrictions. I am not trying to make somebody, who was not an owner of a right, to have this right. The widow of a limited estate is already the owner of that property. Therefore, it is not correct to say that by this Act we are trying to do something retrospective. To my mind, it arises really out of some misconception as to the right of the widow. There are innumerable rulings by the Privy Council in this connection. By saying that this limited estate will be made absolute, it is not correct to think that we are trying to do anything which is retrospective. What is the right of the reversioners? She is in fact regarded as the owner. After all, the reversioner has only a chance to succeed. There are rulings that he has no vested interests. We are not taking away any interests of somebody who has any vested interests in the property. I am not trying to make any inheritance retrospective. But I am only trying to provide here that whenever there is a widow who is in possession of such a property, it should be made absolute in order to avoid litigation on a large scale. She is already the owner thereof. Why can we not make her property right absolute? That is the way in which this clause has been looked at.

Shri S. S. More: Does it mean that the property which has been alienated by a widow before the commencement of this Act and of which she is not in possession will be out of the purview of this clause?

Shri Pataskar: I thought over that matter. If we try to legislate for it, then we will be involved in many difficulties. At any rate, there is no harm in saying. . . .

Pandit Thakur Das Bhargava: Then it will mean that the transferees to whom transfer is made by the widow for very inadequate considerations will all be benefited and all the reversioners, who have secured decrees after going to the High Courts, will be floored down.

Shri Pataskar: After all, the reversioner has only a mere chance to succeed. It is not as if he is the owner of it. There is no doubt on that point

[**Shri Pataskar**]

and I am not worried about the decrees that he may obtain on such properties. Certainly, when we are trying to legislate for making this limited right into an absolute right, there is nothing wrong and there is nothing retrospective in this provision. The only point which appeals to me is :

> "Nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will, where the terms of the gift or will prescribe a restricted estate in such property."

Suppose a woman had been given property by way of a gift or a will which might say "I give you this property so long as you are alive"; then naturally we say here that in such cases, this clause should not apply because that is a thing which has already happened and the person entitled to make this gift or will deliberately chose to give it to that particular person only for a limited purpose. There might be not only decrees in so far as women who are entitled to succeed are concerned but, as Shri More suggested, there are many cases of maintenance. There are so many Hindu law matters where the parties go to the court and obtain decrees saying that such and such estate is given to her for enjoyment for her life-time. I can understand that, and we are making an exemption in the case of gifts and wills. It is desirable to do the same in the case of decrees where it is clearly stated that the estate is given to her for enjoyment for her life-time.

This is not intended to increase litigation. There is already a document, decree or order by the court, apart from the gift or will, which lays down that the estate will be limited. I am inclined to agree with the amendment of Shri Gounder. The amendment reads like this :

Page 7—

for lines 25 to 27, *substitute* :—

> "(2) Nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will or any other instrument or under a decree or order of a civil court or under an award where the terms of the gift, will or other instrument or the decree, order or award prescribe a restricted estate in such property."

I was very closely watching Shri More's arguments. It may be that there is a dispute with respect to some property. The decree may be in lieu of maintenance or in lieu of something else. I would put one aspect of the matter before him. If there is already a decree or order, just as a gift or will the parties had chosen to go to court and get a sort of a decree or award that the estate should be limited. It will be much better to prevent once for all litigation in future and to settle things. It is from that point of view that I would ask them to view this. Previously the idea was that the woman was entitled to a limited estate and therefore, they gave a limited estate. Some few gifts may be there. On the other hand, there may be, we do not know, cases where the woman concerned had no right except for maintenance. We do not want to increase litigation wherever there had been already decrees or awards or orders of courts. After all, the lady is not in possession of that property. I might say that I have got representations from a large number of people, mostly widows, who are at present in possession of the property and who are anxious, at least hereafter, that their property should be made absolute and I agree with that. They are always in terror of somebody filing some suits or somebody forcing them to go in for adoption. Considering all these, I am inclined to accept the amendment of Shri Gounder. I hope all the hon. Members will agree with it in view of the fact that it gives women absolute right and at the same time saves a good deal of litigation.

Shri S. V. L. Narasimhan : I want to put one question. Supposing a widow has parted with her property, am I correct in understanding that in such cases the woman should execute any other document? On her death, will that property be available for inheritance by her heirs or will the purchaser continue to be the owner?

Mr. Speaker : The hon. Members are putting hypothetical questions. They are all lawyers. When once we had sold away the property when the necessity arises, there is no right to take it back. (*Interruptions.*) Order, order. The hon. Members have said enough about this. I shall put Shri Gounder's amendment to the vote of the House.

The question is :

Page 7—

for lines 25 to 27, *substitute* :

"(2) Nothing contained in sub-section (1) shall apply to any property acquired by way of gift or under a will or any other instrument or under a decree or order of a civil court or under an award where the terms of the gift, will or other instrument or the decree, order or award prescribe a restricted estate in such property.".

The motion was adopted.

Mr. Speaker: Regarding other amendments moved by other hon. Members, are they pressing?

Shri Rane: I beg to withdraw my amendment.

The amendment was, by leave, withdrawn.

Shri Kasliwal: I beg to withdraw my amendment.

The amendment was, by leave, withdrawn.

Shri Dabhi: I beg to withdraw my amendments.

The amendments were, by leave, withdrawn.

Shri H. G. Vaishnav: I beg to withdraw my amendment.

The amendment was, by leave, withdrawn.

Pandit Thakur Das Bhargava: I press my amendment No. 203.

Mr. Speaker: The question is:

Page 7, line 16—

for "as full owner thereof and not as a limited owner" *substitute* :

"with the same rights as those of a male Hindu."

The motion was negatived.

Shri V. G. Deshpande: I press my amendment No. 115.

Mr. Speaker: The question is:

Page 7—

for clause 16, *substitute :*

"16 (1) Save as otherwise provided in section 15A and in sub-section (2) of this section, where a female Hindu acquires any property, movable or immovable, after the commencement of this Act, whether such property is acquired by inheritance from a male relative to whose family she belonged by birth, or from a female relative or device or in lieu of maintenance or arrears of maintenance, or by gift from any person, whether a relative or not, before, at or after her marriage, or by her own skill or exertion or by purchase, or by prescription or in any other manner whatsoever, such property shall be held by her as full owner thereof and not as a limited owner.

Explanation.—Any such property as is referred to in this sub-section shall also include property held by a female Hindu as her *Stridhan* immediately before the commencement of the Act."

The motion was negatived.

Mr. Speaker: Now, Shri C. C. Shah's amendment is covered by Shri Gounder's amendment and need not be put.

Shri Seshagiri Rao: I beg to withdraw my amendment.

The amendment was, by leave, withdrawn.

Mr. Speaker: So, all the other amendments are withdrawn.

The question is :

"That clause 16, as amended, stand part of the Bill."

The motion was adopted.

Clause 16, as amended, was added to the Bill.

Clause 17—(*General rules of Succession in the case of female Hindus*).

Shri V. G. Deshpande: I beg to move :

Page 7—

for lines 30 to 35, *substitute* :

"(a) firstly, upon the children (including children of any predeceased son or daughter);

(b) secondly, upon her husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the husband;

[Shri V. G. Deshpande]

(e) fifthly, upon the heirs of the father; and

(f) sixthly, upon the heirs of the mother."

Shri S. V. L. Narasimhan: I beg to move :

Pages 7 and 8—

omit lines 36 to 38 and 1 to 10 respectively.

Shri V. G. Deshpande: My amendment No. 119 is the same as amendment No. 40 moved by Shri S. V. L. Narasimhan just now.

Shri Kasliwal: I beg to move :

Page 7—

(i) *after* line 31, *insert:*

"(aa) Secondly upon the heirs of the husband"; and

(ii) *omit* line 35.

My amendment No 82 is the same as amendment No. 40 moved by Shri S. V. L. Narasimhan.

Pandit Thakur Das Bhargava: I beg to move :

Pages 7 and 8—

for clause 17, *substitute* :

"17. The property of a female Hindu dying intestate shall devolve according to the Schedule and rules prescribed for a male Hindu excepting that the words 'widow of the deceased' shall stand substituted by the word 'husband'."

Shri Mulchand Dube: I beg to move :

Page 7, line 31—

(i) *after* "husband" *insert* "or his heirs"; and

(ii) *omit* line 35.

Shri Kirolkar (Durg): I beg to move :

(i) Page 7—

(i) line 31, *omit* "and the husband"; and

(ii) *after* line 31, *insert* :

"(aa) secondly, upon the husband."

(ii) Page 8, line 2—

after "son or daughter" *insert* "and the husband".

Shri K. P. Gounder: My amendment No. 216 is the same as amendment No. 40 moved by Shri S. V. L. Narasimhan. I will move No. 250.

I beg to move :

(i) Page 7—

for lines 32 to 35, *substitute* :

"(b) secondly, upon the heirs of the husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the father; and

(e) lastly, upon the heirs of the mother."; and

(ii) (a) Page 7, line 37, *omit* "(a)";

(b) Page 8, line 4, *omit* "and"; and

(c) Page 8, *omit* lines 5 to 10.

Shri C. C. Shah: There is this amendment No. 79

Mr. Speaker: It is the same as Shri Kasliwal's. It has been moved. These are the amendments to clause 17. Nos. 117, 40, 119 (same as 40), 79, 82 (same as 40), 178, 205, 232, 233 and Shri Gounder's amendment No. 216 (same as 40) and 250 the substitute amendment for 118 which he has already tabled.

Now, before I call upon the hon. Members, I would like them to continue to sit till 6 p.m. today. We shall try to finish as much as possible. There is very little time. The hon. Members expressed a desire that we must conclude the whole session by the end of this month. Let us do as much work as possible.

Shri S. V. L. Narasimhan: Clause 17 (i) contains general rules of succession in the case of female Hindus. In the case of a woman who succeeds to the property when the husband dies, the question of inheriting the property is not at all dependent on the existence or otherwise of the children. The same principle may be followed in the case of inheritance by the husband to the property of the wife.

Sub-clause (i) says that any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter of the deceased (including the children of any predeceased son or daughter) upon the heirs of the father or mother even if the husband is alive. This is an injustice in two ways. If there are children, the husband also is made a heir which means that the husband will also participate in the partition, and reduce the share which the children will otherwise get. If the children are not existent, he himself is excluded from the right of succession. This is neither logical nor just. As such I propose that sub-clause (21) (a) of clause 17 be totally deleted.

Shri V. G. Deshpande: Mr. Speaker, I have objection to this clause, because of its faulty wording and the confusion it is likely to lead to. My amendment changes the order of succession like this. Instead of saying that firstly the interest shall devolve upon the sons and daughters and the husband—instead of making all these three categories of persons as simultaneous heirs—I want to change the order as given in my amendment which says:

"(a) firstly, upon the children (including children of any predeceased son or daughter);

(b) secondly, upon her husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the husband:

(e) fifthly, upon the heirs of the father; and

(f) sixthly, upon the heirs of the mother."

Instead of making the husband as the last inheritor in the first list, I want to put him in the second list.

Then, by my amendment No. 119 I seek to omit lines 36 to 38 and 1 to 10 respectively—that is the whole of sub-clause 2 of Clause 17, about which reference has just now been made. My feeling also is that it is not proper that any property inherited by a female Hindu from her father or from her mother shall devolve, in the absence of any son or daughter of the deceased not upon other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the father.

[SHRI BARMAN *in the Chair*]

I object to the first part of this sub-clause. The wording of the second part is even more objectionable. I do not know why Shri Seshagiri Rao is not present here. He has proposed an amendment which seeks to make much improvement to this sub-clause (b). This sub-clause (b) says:

> "any property inherited by a female Hidnu from her husband or from her father-in-law shall develove, in the absence of any son or daughter of the deceased (including the children of any predeceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband."

No mention has been made about the husband, because husbands can be two. A widow can marry another husband. Therefore, if any property is inherited by a female Hindu from her first husband or from her first father-in-law and she has no children, according to this clause it shall not devolve upon the heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the husband or the person who was her husband at the time of death, who may be another husband. Therefore, it may be any husband or it may be the last husband and it will depend upon the interpretation which the court gives.

My feeling, therefore, is that the first part of this clause is unjust and the second may lead to very undesirable results. As I said earlier, Shri Seshagiri Rao has proposed an amendment suggesting that the words "from whom she inherited the property". If this amendment is accepted, at least the anomaly will be removed. If we do not say: "son and daughter of the person or the husband from whom she has inherited the property" in the event of the widow having a son and daughter from another husband, the first husband's property may not go to his children. If these points are made clear that would be consistent with our notions about morality and about succession. I would, therefore, propose that Shri Seshagiri Rao's amendment may be accepted.

So far as the property inherited by a female Hindu from her father or mother is concerned, its going back again to the family of the father and mother is also not very proper. The way in which we are allowing even the first husband's property to go to other husband's family and are becoming so

[Shri V. G. Deshpande]

cursed to see that the property which a female has brought from her father and mother should not go even in her own husband's family, is to us—of course, we are not a very progressive lot and are a bit reactionary—more revolting than the first.

Mr. Chairman: What is the amendment of Shri Seshagiri Rao?

Shri V. G. Deshpande: It is amendment No. 179.

Shri C. R. Chowdary: Amendment No. 40 reads like this:

"Pages 7 and 8—

omit lines 36 to 38 and 1 to 10 respectively."

My friend Shri S. V. L. Narasimhan has also spoken on this amendment. I fully endorse all what he has said. In addition to that I want to say a few words.

Sub-clause (2) of clause 17 will work in a peculiar way. I would like to illustrate my point. Supposing a female Hindu inherits from her farther, from her mother and from her husband and after inheriting all this property she mixes them in such a way that it is not possible to trace which of the properties were acquired from her husband, which from her mother and so on, then when she dies it will be impossible to decide to what extent the property shall go to her husband's heirs, to what extent to her father's heirs and so on. Or, supposing after inheriting all this property she converts them into cash and puts them in the bank or invests them in some industry and she also draws money out of these deposits without any distinction for her expenditure, even then after her death it will be impossible to decide as to what extent the property shall go to the respective heirs. As such, to say that there shall be a special mode of devolution in the event of getting property from one quarter and a separate mode of devolution in the event of properties being acquired from another quarter, is confusing. To avoid such confusion the best thing is to see that the principles enumerated in sub-clause (1) of clause 17 are kept in tact so that in the event of a female heir dying leaving behind no children or children of predeceased children, the property shall first revert to the mother and father. If the mother is not there, naturally the property will go to the father in the first instance; and if the father is not there it will go to the mother in the first instance. If both are not there, then the property will go to the heirs of the father and if they are not available then it will go to the heirs enumerated in sub-clause (d) of clause 17 (1) and so on. Therefore, so far as clause 17 is concerned, there is no need for this sub-clause (2) and the same may be deleted.

Pandit Thakur Das Bhargava: Sir, my amendment runs thus:

> "17. The property of a female Hindu dying intestate shall devolve according to the Schedule and rules prescribed for a male Hindu excepting that the words 'widow of the deceased' shall stand substituted by the word 'husband'."

In my humble submission, this clause 17 is certainly a very confounded one. Supposing there is a property inherited by a female and after 20 or 30 years she dies, she must have inherited so many things—ornaments, immovable property and so on —from so many sources and it will be very difficult to say from whom she has inherited what. She would not have kept one property separate from the other. The property which she received from her father would not be quite different from the property which she might have received from her husband. It will be impossible to find out which property she acquired from her husband and which from her father. Therefore, this provision is incapable of being implemented.

Apart from that, my humble submission is this. Do not make the property of the lady absolute and keep her connection with the family. Now, I find that those who are in favour of this Bill stand committed to the principle, namely, that that family has got nothing to do with the property which a widow inherits and disposes of. It passes my comprehension as to why the property of a female Hindu dying intestate should not devolve according to the Schedule and rules prescribed for a male Hindu. The very idea that the entire property is one which can be disposed of absolutely by the lady also, in my humble opinion, contends against the provision contained in clause 25. When you give a property to a lady, why should you say, "Do not exercise your rights of partition"? I cannot understand this. What would happen in a village as soon as a person knows that a property is inherited by a widow or by a daughter? Those persons who are inimically disposed towards the relations of the lady will come down and say, "All right, pass it on to us for a fancy price", and they will purchase it and then enter the dwelling house also.

4 P.M.

Similarly, when we speak of women, I cannot just refrain from telling the House that, as a matter of fact, when these kinds of property are inherited by women, and widows particularly, those properties will stand in great risk and jeopardy. What sort of persons will be there, we do not know. For the last thousands of years, we have not allowed the women to have their own course and discretion in these matters. They might squander the property and I have seen some cases like that. Even men squander the property. But perhaps ladies might be better managers of property; yet at the same time, we want to keep the property secure. But that aspect goes away when you allow this kind of succession to become law. What is succession? In the first place, I do not know what property the father and mother would like the daughter to succeed? The feelings in my part of the country are that even the parents do not take water from the village in which the ladies are married, not to speak of succeeding to the property from the ladies. This proposition, when put to the people in Punjab, will be received with dismay, and those people in Punjab will stand aghast at such a proposition, namely, that the property of the lady not donated by them should be given to the mother and the father.

Supposing, the property is donated. Then the property is given for all time. It is not given with the idea that it will revert back. So, this provision will create difficulties. When the proposition that at the time of the re-marriage of the widow the property should be returned was made, the House itself stood aghast. It did not agree. Now, the House itself says that if the owner dies and the property remains undisposed of, you must find out wherefrom the property is acquired and then it must be taken to the father's people or to the husband's people.

There was the other difficulty pointed out by my friend Shri V. G. Deshpande. I need not repeat it. If there are more than one husband, there will be other difficulties also. The question will be, which husband will claim it and who will get it. It is fraught with very great difficulties. So far as this provision is concerned, I should think that it ought to be made a simple provision. I want that the existing sub-clauses (1) and (2) should be deleted.

Shri C. R. Chowdary: How can there be more than one husband at one time?

Pandit Thakur Das Bhargava: My friend is quite correct in saying that there will not be more than one husband at one time. But there may be husbands spaced out at different times. So, to which husband will this property go? Is there any provision?

Shri C. R. Chowdary: On the second marriage, the previous marriage will automatically come to an end.

Pandit Thakur Das Bhargava: The property may be inherited from one husband, and at the time of succession, the woman may be the widow of another husband.

Shri C. R. Chowdary: How can it happen?

Pandit Thakur Das Bhargava: Why not? Supposing a widow marries three times, and she gets the property of the first two husbands; after her, the property goes to the third husband; and that property is the one which she had inherited from her previous two husbands.

Mr. Chairman: The question is, it may lead to confusion.

Pandit Thakur Das Bhargava: I think, however, if Shri Seshagiri Rao's amendment is accepted, perhaps the other part of the anomaly may be removed. But, at the same time, I am opposed to it on the principle that I do not want that the property which has been once given to the family and has gone over to the widow or the daughter should revert back. I can understand if you have the conception that the property entirely belongs to that particular family in which there is a widow or a daughter. But you are dismissing that very idea and you are not taking it into consideration at all. Therefore, I fail to see the significance of sub-clauses (a) and (b).

Apart from that, taking into consideration sub-clause (a) alone, even then

[Pandit Thakur Das Bhargava]

I will say I am not satisfied. At the same time, I must put one question to this House and to those who believe in equality of the husband and the wife or on the equality between the sexes. May I know why, if the wife and the widow can succeed to the husband a husband cannot succeed to the wife? What is this? Why not the husband succeed? I cannot understand. My humble submission is, considering this from all standpoints, there should be a simple provision.

Shrimati Sushama Sen: Husband is mentioned in sub-clause (a).

Pandit Thakur Das Bhargava: Please read the opening lines of sub-clause (2): "Notwithstanding anything contained in sub-section (1)" etc. The word 'husband' in sub-clause (b) of sub-clause (2) will have no effect. It is only in the case of children and others or the relations of the families and not in the case of the husband that it would devolve. So, Shrimati Sushama Sen feels like me. Shrimati Uma Nehru and Shrimati Shivrajvati Nehru—all these ladies—feel like me, and all of us are older people. I find response from these ladies. Of course, Shri C. C. Shah does not agree. Well, give the right of succession to my sisters and in fact everybody. Even give it to the daughters. I do not mind it. But do not take away the entire conception of Hindu society in which we have been living for thousands of years. When the property is exhausted, according to you, it reverts back when if there is a remarriage. If the property goes away, then we do not want a reversion. At the same time, for God's sake, do not antagonise those people who do not want to receive the property from their daughters. The parents do not want to have it. So, do not give it to them. So, if my amendment is accepted, all these sub-clauses under clause 17 may be deleted.

Shri Kirolikar: My amendments are Nos. 232 and 233. Under clause 17 (1) (a), inheritance is given to sons and daughters and the husband together. If there are no sons and daughters, the husband will not succeed at all, to the wife's estate. I do not know why this discretion is made. When the females are entitled to inherit the husband's property and the wife is entitled to succeed to her husband's property, why not the husband be allowed to succeed to his wife's property? I do not see any justice in the existing provision. So my submission is that after the sons and daughters, the husband should be made an heir.

Under the present law, in the case of *stridhan*, we find that the husband is entitled to inherit the property after daughter and son. Why should not the same thing continue here also? Even in the Rau Committee's report you will find that the order of succession to *stridhan* is this: daughters, sons, grand-children and husband, and then mother and father. There also, husband is made the heir to the wife's property. My submission is that husband should be made an heir to the property of his wife. This is my first amendment.

My second amendment relates to sub-clause (a) of sub-clause (2). Sub-clause (2) (a) says thus:

> "any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter," etc.

When there is no daughter or son or when there is no husband, then only the property will revert to the others.

Of course, as has been stated by Pandit Thakur Das Bhargava, there is no reason why a husband should not be made an heir independently. So, I submit these two amendments of mine for the acceptance of the House.

Shri Dabhi: Clause 17 (2) (a) says:

> "any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter of the deceased (including the children of any predeceased son or daughter) not upon the other heirs referred to in sub-section (1) in the order specified therein, but upon the heirs of the father;".

As Pandit Bhargava was saying....

Mr. Chairman: I suppose the hon. Member has not moved any amendment.

Shri Dabhi: No, Sir, but, I will take only one minute.

Mr. Chairman: I will first give opportunities to those hon. Members who have moved their amendments, so that others can comment on those amendments.

Shri Seshagiri Rao: My amendment No. 179 may also be taken as moved.

Mr. Chairman: All right.

Shri Seshagiri Rao: I beg to move:

Page 8, line 10—

add at the end:

"from whom she inherited the property."

Mr. Chairman: This amendment is also before the House.

Shri Mulchand Dube: My amendment is as follows:

Page 7, line 31—

(i) *after* "husband" *insert* "or his heirs"; and

(ii) *omit* line 35.

Sub-clause (e) will become unnecessary if the amendment I have moved is accepted by the House. I also support the amendment moved by my friend who has just spoken, namely, that the husband should be the heir of the wife, as the widow is the heir of the husband. There should be no difference between the two.

I am also of the opinion that sub-clause b, c, d, and 2 (a) are absolutely unnecessary and should be deleted, because, as has been pointed out by Pandit Bhargava, according to the sentiments prevailing in our society today, the mother and the father do not like to have the property of the daughter. They do not even like to drink water from the well in the village in which the daughter is married. So, these clauses seem to be unnecesary. Also, as I have said, the husband should get the right of inheritance in regard to the property which she has got either from her husband or father-in-law or some other members of the family.

Another difficulty arises, as has been pointed out by Pandit Bhargava. A woman might, after the death of her first husband, marry a second husband. After the death of the second husband, she may marry a third husband and so on. The question, therefore, arises: To which husband's family should her property revert after her death? My humble submission is that her property should revert to the family of the husband from whom she got the property.

Pandit Thakur Das Bhargava: Perhaps it will revert back to all the three families!

Shri Mulchand Dube: No, it is not possible. The property of the wife should revert only to the family of the husband from whom she got the property.

Shri Nand Lal Sharma: Who is in charge of the Bill now?

Shri V. G. Deshpande: Whoever is in charge of the Bill, has he the power to accept our amendments? Who can do so unless he can apply his mind to the amendments?

The Deputy Minister of Finance (Shri B. R. Bhagat): The hon. Minister was here since this morning; he has gone out for a few minutes. I am here and I will convey the views of the hon. Members to him.

Shri Mulchand Dube: That is all I have to say, Sir.

Mr. Chairman: He is taking notes. It is all right.

Shri K. P. Gounder: I have given notice of two amendments. The first is amendment No. 216 whose effect is to omit clause 2, Let there be no reversion to father's heirs or husband's heirs. If we give anything to a woman absolutely, let us give it with a full heart, without any reservation. If a woman gets property absolutely, whatever heirs you may prescribe, let the property go to them. There is no use saying that in certain cases, it will go to her father's heirs and in certain other cases to her husband's heirs. We are reversing the whole law. It is not in consonance with the new spirit which underlines this new code. My object is, whether she inherits the property from her father or mother or husband or from any other source, it must go to her heirs only.

My second amendment is the same as the amendment of my hon. friend Shri C. C. Shah. He has moved his amendment and explained it. I am not pressing my second amendment.

Shri C. C. Shah: There are two amendments which I have moved, numbers 79 and 82. Amendment No. 82 is the same as amendment No. 40 moved by Shri C. R. Chowdary.

Amendment No. 82 deals with sub-clause (2) of clause 17. Several Members have already pointed out the diffi-

[Shri C. C. Shah]

culties which are likely to arise if this sub-clause as it stands is retained. But, I shall point out one distinction. It is this. Whereas sub-clause (1) deals with all property of a female, sub-clause (2) only deals with a part of that property, namely, property inherited by her either from her father or mother or husband or father-in-law, so that it does not deal with all the property, but only a part of it. I would very much wish that sub-clause (2) is omitted because it will create any amount of difficulties and complications. Besides, as Pandit Thakur Das Bhargava rightly pointed out, when once the property is given by the father and mother to the daughter, they do not wish it to come back. That is not our sentiment.

Shri Nand Lal Sharma: It is not given; it is inherited; what given?

Shri C. C. Shah: The other amendment is No. 79. That has also been well supported by Pandit Thakur Das Bhargava. It is in this way. In sub-clause (a) of clause (1), the first heirs are the sons and daughters (including the children of any predeceased son or daughter) and the husband. Then, according to the Bill, come the mother and father. If you see sub-clause (a) you will find that it excludes, for example, the third generation. It also excludes, for example, the widowed daughter-in-law. Immediately thereafter the heirs are the mother and father, which, as rightly pointed out, would be repugnant both to our sentiment and to the general idea of the people. If we put in sub-clause (e) as (b), that meets with the wishes of most of the Members who have already spoken including my hon. friend Shri Mulchand Dube. After sub-clause (a), there will be the husband's heirs and then, mother and father. That is amendment No. 79 which is the same as that of my hon. friend Shri K. P. Gounder, except parts 2 and 3 thereof. I request the hon. Minister to accept amendment No. 79 and also 82 if he can. I would leave it to him to accept or not. In any event, I expect that he would accept amendment No. 79 which is the wish of most of the Members of the House.

Shrimati Sushama Sen: I support the amendment of Shri C. C. Shah...

Mr. Chairman: I am calling Shri Dabhi.

Shri Dabhi: In spite of what all my hon. friends who have preceded me have said, I am in favour of retaining sub-clause (a) of clause (2). I will give an instance. A woman inherits certain property from her father. She is married. It may happen that she dies after a few months. Several such cases happen. She has no issues. What would happen? The husband would marry again. We know, everybody knows, there is a sentiment among the Hindus that we should not take anything from the daughter. It is not a question of giving anything. Quite right. If we had given anything to our daughter or daughter's daughter or any issues, there would be difficulty. No Hindu would like to take back anything given to the daughter or the daughter's children. But, in certain cases, there is no such sentiment. When the daughter dies childless and the son-in-law has married again, as it very often happens, I do not think there is any sentiment anywhere that the property inherited by our daughter should go to the son-in-law who has married again. We do not like that he should dispose of that property. No Hindu would like the property to go to the son-in-law who has married, the daughter not having left any issue. In my opinion, it is absolutely necessary to have this clause that property inherited by a woman from her father, if she dies childless, should go to the father and not to the husband. If they had any sentiment, let it go to some charity or anywhere. Why should the property go to a husband who has married again? If he had any real love for that lady, he ought not to have married. In 99 cases out of 100, the man certainly marries. In these circumstances, I am sure there is nothing in the Hindu Law or sentiment which requires that this clause should be done away with.

Shri N. P. Nathwani: With the enlargement of the property to be owned by females, the rules of succession to the estate left by the female heirs assume as much importance as the rules of succession to the estate left by a male heir. That is the first point that we should bear in mind. It becomes difficult to find out any reasonable basis on which difference is made between the rules of succession to the estate of a male and to that of a female. I have my doubts whether such a distinction would be constitutionally valid. But, clause 17 makes a further division namely between property which a female inherited from certain relations and the rest of the property.

As regards sub-clause (2) it has been argued that such a distinction would accord with the natural sentiments and desires of the female. I do not know why this principle is not accepted in the case of males. If a female desires that the property inherited by her from her father should go back to her father or his relations, then, why should not a similar principle be applied in the case of males? It has been further said that there is a basis in the existing law for making the distinction which is made in sub-clause (2). As the law stands today, the *stridhan* property devolves according to the source from which the *stridhan* property has been derived. But those rules were laid down in a primitive society. The kinds of property which could be described as *stridhan* property were very limited. Only certain kinds of property were treated as *stridhan* property and they were such as kept their identity. But in the existing circumstances, such distinctions are of no avail.

As regards clause (1), I support the amendment which has been moved by my hon. friend Shri C. C. Shah, which seeks to place the heirs of the husband after sub-clause (a). I think that such a transposition of the heirs would be more in accordance with the wishes of the deceased female, than the position is in this sub-clause as it stands now. After she goes to live in the husband's family in at least a patriarchal society, her attachment grows or develops more round her husband's relations than with those of her father or mother. Again, I fail to see on what lines the heirs specified in sub-clause (a) of clause (1) have been cut down from those specified in Class I of the Schedule. I do not see any reasonable basis for making such a distinction between the heirs of a female and those of a male.

I confess to a feeling of bewilderment when I find that in sub-clause (2) part (a), the husband has been excluded from the heirs. I recommend that the suggestion made by Pandit Thakur Das Bhargava who spoke so eloquently about including the husband as a heir should be accepted even at this late stage.

Shri Seshagiri Rao: I want to speak on my amendment which has already been moved *i.e.*, No. 179. My amendment is quite simple, obvious and unobjectionable. The amendment is, at the end, add the words, from whom she inherited the property. Our Minister for Legal Affairs has been proclaiming that he does not want to bring in any complications into families and also in the rules of inheritance. If a daughter immediately after marriage dies childless, he wants that that particular property should revert back to the family of the father, and similarly the property must go to the husband in some cases if she dies. If that is so, in clause 17 (2) (b), you find the words 'heirs of the husband'. It is quite possible and we can conceive there may be people related to the husband. A young widow has to remarry and we have been encouraging re-marriages by a number of laws. Supposing a girl marries A and then becomes a widow and then marries C. The 'heirs of the husband' would mean C. This would be illogical, unjust and inequitable. Therefore an amendment, 'heirs of the husband from whom she inherited the property' is necessary. After her death, let A get the property. If the hon. Minister thinks of not creating any complications in Hindu society, has any regard for equity and justice, he should accept this amendment.

Shri Sinhasan Singh: I support both the amendments of Shri C. C. Shah. As regards....

Shri Pataskar: I think clause 17 has been sufficiently discussed. And I would explain shortly about the transposition of (e) to (b)—in what form I would accept it is different—and we may proceed to the other important clauses. Let us not concentrate on this simple thing.

Shri Sinhasan Singh: I find the hon. Minister is accepting this amendment. I do not know whether he is accepting the other amendment also, about the removal of sub-clause (2). Anyway, after having conferred an absolute right on women, as on men, I do not see any reason why we should have three kinds of inheritance for an intestate woman. We are having one kind of inheritance as in the Schedule, in class I and class II for men. After having given the same right to women, of absolute right to property, their rights of inheritance should be alike. For that purpose I would submit that items (a) and (b) of sub-clause (2) should not find a place. Because, a woman inherits property in three ways. One is property that she gets from her husband; the second is property from her

[Shri Sinhasan Singh]

father's right; and the third is property as a daughter of a daughter which she gets from her mother. And then the fourth will be the property of her self-acquisition.

According to the clause as it is, we are having three kinds of property to be inherited after her death. The property which she acquires by her own effort will be inherited according to sub-clause (1). The property that she will get from her father and mother will be inherited according to item (a) of sub-clause (2). And the property that she will get from her husband will be inherited according to item (b) of sub-clause (2). That is, there will begin a dispute as to the nature of the property, as to which particular property belongs to her by her own acquisition, which she has inherited from her father, which she has inherited from her mother, and which from her husband. So there will be four kinds of property in her hands, and that will give rise to a huge litigation. The heirs of the father will be coming to inherit the property inherited by her through him. And the heirs of the husband will be coming to inherit the property that she has inherited from her husband or his family. And the heirs mentioned in sub-clause (1) will be coming forward to inherit the self-acquired property. So we will be having a confused line of inheritance after her death.

Why have this? The simpler way would be to have sub-clause 17 (1) as it is and remove the sub-clause 17 (2) (a) and (b). As the matter goes, I feel that unless the hon. Minister accepts these amendments, the clause will be passed as it is. If it is to be passed as it is, I would support the recent amendment that has been moved that after the word "husband" the words "from whom she inherited the property" be added. Because, if that is not done, the difficulty will arise to whose line the property inherited has to go, whether it has to go to the line of her husband from whom she has inherited or to the line of the husband whom she has secondly married. There might be a property which she has inherited from her first husband. There may be another property which she has inherited from her second husband. Thus we will be having a confused sort of inheritance.

I would therefore request the hon. Minister to consider and accept the amendment of Shri C. C. Shah and the other one for the removal of sub-clause (2) altogether.

Mr. Chairman: To the hon. Minister's suggestion that we may conclude the consideration of this clause and go to others, I have just to give my own reactions. After all, this is a very important Bill, and we are going to make revolutionary changes. So, save and except one thing namely that no hon. Member may repeat what has already been advanced as an argument by other hon. Members, if any hon. Member has any new points to make I think I should give him a chance.

Shri Pataskar: I have no objection. I thought that so far as this clause was concerned probably there is nothing new being said.

Mr. Chairman: I hope in that way the House will continue the deliberation so far as it is necessary, but not beyond that.

श्री नन्द लाल शर्मा : इस धारा १७ (१) के बी भाग का अर्थात "(b) secondly, upon the mother and father;" का सोलहो आने विरोध करता हूं और इस सम्बन्ध मे श्री ठाकुर दास जी भार्गव के साथ मेरी सोलहो आने सहमति है । कारण यह है कि मैं दक्षिण भारत के सम्बन्ध में तो विशेष रूप से कुछ नहीं कह सकता, लेकिन उत्तर भारत में जहां तक मैं जानता हूं पिता माता अपनी कन्या के गांव में पानी पीना भी अच्छा नहीं समझते, उन की प्रापर्टी (सम्पत्ति) का इन्हेरिट करना (दायाभाग के रूपमे प्राप्त करना) तो दूसरी बात है । मैं समझता हूं कि ला मिनिस्टर (वि।ध मंत्री) या जिन्होंने इस बिल को डाफ्ट किया है, वह सारे के सारे मनुष्य मुल्ला हो चले ऐसा तो कहा नहीं जा सकता, परन्तु यह किसी भी प्रकार से सहा नहीं जा सकता कि हिन्दु माता पिता अपनी कन्या की प्रापर्टी को इन्हेरिट करें । इस लिये मैं इसका सोलहो आने विरोध करता हूं ।

साथ ही मैं यह भी कहना चाहता हूं कि जो कुछ यहां बात चीत में पता चला है, मैं समझता हूं कि वह हिन्दु महिला का बड़ा अपमान है । श्री शेषगिरि राव के संशोधन से स्पष्ट मालुम होता है कि कितने ही पति हो सकते हैं, इसी लिये वह कहते हैं कि :

"from whom she inherited the property"

शब्द जोड़ दिये जायें । ऐसी परिस्थिति में कि—

"न तू नामाज्यि गहृणीयात्पत्यु : प्रेते परस्य च।। "

अथवा स्पष्ट रूप से

"न द्वितीयश्च साध्वीनां क्वच्चिद्म पेदिश्यते '

इन बातों के रहते रहते आज दुर्भाग्य से हमें ऐसा भद्दा बिल बनाना पड़ा, और जिस के लिये हम को यह निश्चय नहीं है कि कौन पति और किस पति की कौन सी प्रापर्टी को इन्हेरिट करने वाले हैं, यह हमारे सामने आया । तो भी में १७ वीं धारा का जो दूसरा भाग है, उस के हटाने के विरोध मे हूं । मैं उस के दृष्टिकोण से सहमत हूं और मेरा यह विश्वास है कि यह नियम विरुद्ध होगा कि पिता माता के द्वारा प्राप्त की हुई सम्पत्ति उत्तराधिकार में उस की अपनी सन्तान के पास न जाय, परन्तु उस के दूसरे या तीसरे पिता के कोई एअर्स (उत्तराधिकारी) हो तो उनके पास चली जाय। यह अनुचित होगा । इस लिये यह ठीक है कि उत्तराधिकार में प्राप्त हुई सम्पत्ति जो कि माता पिता से प्राप्त की गई है, वह माता के एअर्स के पास जाना चाहिये और पति के द्वारा प्राप्त की गई सम्पत्ति उसी पति के, जिस पति से वह सम्पत्ति प्राप्त की गई है, उत्तराधिकारी के पास जाना चाहिये ।

इन शब्दों को कह कर भी में इस क्लाज (खण्ड) का विरोध करता हूं क्योंकि यह हिन्दु महिला को कुछ लाभ न देता हुआ, उस के मान और प्रतिष्ठा पर भयंकर आघात् करता है ।

Shrimati Sushama Sen: I support Shri C. C. Shah's amendment that in clause 17 (1), item (e) should take the place of item (b). As it is, item (e) reads "lastly, upon the heirs of the husband". I think it is only fair that item (e) should be transposed as item (b). Because, after all, the heirs of the husband should inherit the property after the female Hindu dies, after satisfying item (a). So I support this amendment of Shri C. C. Shah that (e) should take the place of (b).

Regarding the other amendment, namely to add after the word "husband" the words "from whom she inherited the property", that is amendment No. 179, I oppose this because it will lead to more complications. Because, you do not know from whom the property has been inherited by her, and this will give rise to a lot of litigation and a lot of complications. So I oppose this amendment and support Shri C. C. Shah's amendment.

Shri Pataskar: This is a simple clause which really should not have evoked so much of comment.

As a matter of fact, the clause contains two parts. The first part is that the property of a female Hindu dying intestate shall devolve according to the rules set out in section 18.

Then it says upon whom it will devolve :—

"(a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;

(b) secondly, upon the mother and father;

(c) thirdly, upon the heirs of the father;

(d) fourthly, upon the heirs of the mother; and

(e) lastly, upon the heirs of the husband."

If a wife dies and she has got children and husband living, it is in the fitness of things that the property should go to the children and the husband as well. If we are going to exclude the husband, who else is going to look after the children? I think this is the correct way and nobody has objected. Then the point is to whom should it go after that? In the absence of either the husband or the children, the present arrangement is that it should go to the mother and father. What is proposed by the amendment which has been supported by most of the Members is that in that case, the property in the absence of children or children's children and the husband, should go to the heirs of the husband. It is a point which is capable of being argued both ways as to who are, in such a contingency, nearest to her—the husband with whom she spent her life and who is unfortunately dead, or the parents in whose family she was born. It is a moot point, but it is a remote contingency. Therefore, if this is going to satisfy most of the hon. Members here. I have no objection to put in this list

[Shri Pataskar]

(e) as (b), but in that case, sub-clause 1 will read something like this:

(1) The property of a female Hindu dying intestate shall devolve according to the rules set out in section,—

(a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband;

(b) secondly, upon the heirs of the husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the father; and

(e) lastly, upon the heirs of the mother.

Another reason why I do not object to it is so far as sub-clause (2) is concerned, it sufficiently safeguards the existing sentimental interests. Probably, it is very difficult to fathom the motives of many who while agreeing with the principle have tried to oppose this clause. Sub-clause (2) provides that any property inherited by a female Hindu from her father or mother shall devolve, in the absence of any son or daughter, even if the husband is there, not upon the other heirs referred to in sub-clause (1) but upon the heirs of the father. The same principle applies to (b) of sub-clause (2). Any woman who now inherits property will have absolute right to it. But this will meet a few cases where after inhertiing the property from her father, unfortunately the woman dies childless. If the property has not been disposed of or dealt with by her, since she is full owner, to whom should it go? If she has left no descendants, instead of going to the husband who is likely to marry again, the property, if at all, should go back to the family from which it came. It is from this simple point of view that this provision is made.

I know a good deal of misunderstanding has been deliberately created in various parts of the country that what has been laid down is that the property shall go back to the father. It is nothing of the kind. Whether it is property inherited from the husband or the father, it is the woman's absolute property. In case she dies childless, instead of the husband's property going somewhere else, we say it will go to his family. Similar is the case with the father's property.

Then I am asked: what is the use of this provision? You have given absolute right to the woman, she will dispose of it. As I have always said, I believe in people being normal, not abnormal. I expect people generally proceed by good conduct.

As soon as a woman is married and she gets her father's property, she will not alienate it. She will continue to hold it. If she dies childless, I believe there is no reason why such property should not revert to the heirs of the father. Similar is the provision in the case of the husband's property.

I know that those who do not want to give absolute right of property to women cannot be contented with this provision. But I believe, taking into consideration the present circumstances as they exist, this is a very reasonable provision, a very equitable provision, and this should go a long way to satisfy generally people who do not start with the presumption that everybody after the passing of this Act is going to act in such a way either to defeat the purpose of it or do something which is wrong, which I do not think they will do. Therefore, I think the second provision is all for the good.

Shri Nand Lal Sharma: How does the Minister meet the case of duality of husbands?

Shri Pataskar: I believe the hon. Member has got a chance just to have a fling at women by saying that they will go on marrying husbands one after another.

Shri Nand Lal Sharma: There will be cases in law.

Shri Pataskar: I will say that that criticism is unjustified so far as the question of divorce and all that is concerned. My friend Shri Seshagiri Rao's amendment, I think is unnecessary because the property will be the property of the husband, because the wording is:

> "any property inherited by a female Hindu from her husband or from her father-in-law shall devolve, in the absence of........"

Naturally, the husband must be the same husband referred to in the last few lines. It is only to create a sort of misunderstanding about the matter and to create prejudice that some people—not my friend Shri Seshagiri Rao, but some others—are unnecessarily saying that this might....

Shri V. G. Deshpande: Why should motives be imputed?

Shri Pataskar: Apart from the motive, the very fact that the question of marriage and divorces and so many husbands has been brought in is enough and I cannot restrain myself from saying that it is a wrong use made of a provision which is tried to be misinterpreted. There is absolutely no point in it.

So far as sub-clause (1) is concerned, I would accept it in the form proposed by my friend Shri C. C. Shah. So far as sub-clause (2) is concerned, I believe....

Shri V. G. Deshpande: On a point of order. Is there quorum in the House? I think there is no quorum.

Some Hon. Members: There is quorum.

An Hon. Member: There is more than quorum.

Shri Sinhasan Singh: What is the harm in accepting the amendment "from whom she has inherited?"

Shri Pataskar: According to me it is unnecessary.

Mr. Chairman: There is quorum.

An Hon. Member: Without Shri Deshpande, there will not be quorum.

Mr. Chairman: At this stage, let Shri C. C. Shah formally move his amendment which the Minister is willing to accept.

Shri C. C. Shah: I beg to move:

Page 7.—

for lines 32 to 35 *substitute*:

"(b) secondly, upon the heirs of the husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the father; and

(e) lastly, upon the heirs of the mother."

Mr. Chairman: I shall now take up the voting on clause 17. So far as the amendments are concerned, it seems to me that I should put that amendment first which wants to substitute the whole clause. If that fails, I shall come to other amendments which want to substitute it substantially, and then put the clause.

Shri Kasliwal: You might put amendment No. 79 which is being accepted.

Mr. Chairman: No question of acceptance. I shall put amendment No. 178 of Pandit Thakur Das Bhargava first.

The question is:

"Pages 7 and 8—

for clause 17, *substitute*:

> "17. The property of a female Hindu dying intestate shall devolve according to the Schedule and rules prescribed for a male Hindu expecting that the words 'widow of the deceased' shall stand substituted by the word 'husband'."

The motion was negatived

Shri S. S. More: So, the husband is lost.

Mr. Chairman: There is an amendment which seeks to eliminate sub-clause (2). Does the hon. Member want it to be put to vote?

Shri K. P. Gounder: I am not pressing it.

Shri S. V. L. Narasimhan: I am pressing amendment No. 40

Mr. Chairman: The question is:

. Pages 7 and 8—

omit lines 36 to 38 and 1 to 10 respectively.

The motion was negatived

Mr. Chairman: I shall now put Shri C. C. Shah's amendment to vote.

The question is:

Page 7.—

for lines 32 to 35 *substitute*:

"(b) secondly, upon the heirs of the husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the father; and

(e) lastly, upon the heirs of the mother."

The motion was negatived

Mr. Chairman: I shall now put the other amendments to vote.

Mr. Chairman: The question is:

Page 7—

for lines 30 to 35, *substitute*:

"(a) firstly, upon the children (including children of any predeceased son or daughter);

(b) secondly, upon her husband;

(c) thirdly upon the mother and father;

(d) fourthly, upon the heirs of the husband;

(e) fifthly, upon the heirs of the father; and

(f) sixthly, upon the heirs of the mother."

The motion was negatived

Mr. Chairman: The question is:

Page 7—

(i) *after* line 31, *insert*:

"(aa) secondly, upon the heirs of the husband"; and

(ii) *omit* line 35.

The motion was negatived

Mr. Chairman: The question is:

Page 7, line 31,—

(i) *after* "husband" *insert* "or his heirs"; and

(ii) *omit* line 35.

The motion was negatived

Mr. Chairman: The question is:

Page 7.—

(i) line 31, *omit* "and the husband"; and

(ii) *after* line 31, *insert*:

"(aa) secondly, upon the husband"

Page 8, line 2.—

after "son or daughter" *insert* "and the husband"

The motion was negatived

Mr. Chairman: The question is:

(i) Page 7.—

for lines 32 to 35, *substitute*:

"(b) secondly, upon the heirs of the husband;

(c) thirdly, upon the mother and father;

(d) fourthly, upon the heirs of the father; and

(e) lastly, upon the heirs of the mother."; and

(ii) (a) Page 7, line 37, *omit* "(a)";

(b) Page 8, line 4, *omit* "and"; and

(c) Page 8, *omit* lines 5 to 10.

The motion was negatived

Mr. Chairman: The question is:

Page 8, line 10.—

add at the end:

"from whom she inherited the property".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 17, as amended, stand part of the Bill".

The motion was adopted

Clause 17, *as amended, was added to the Bill*

Clause 18.—(*Order of succession and manner of distribution among heirs of a female Hindu*)

Shri C. C. Shah: There will have to be some consequential amendments in rule 3; pursuant to the amendment which we have now accepted to clause 17. If you would permit me, I shall pass them on to you, and something more is also being typed. If you will be good enough to see rule 3, you will find that it says:

> "The devolution of the property of the intestate on the heirs referred to in clauses (c), (d) and (e) of sub-section 1 of section 17......".

But in view of the change which we have made in clause 17, the wording will have to be 'clauses (b), (d) and (e)r', so that the word '(b)' will have to be substituted for '(c)'.

Further on, rule 3 says:

> "....and according to the same rules as would have applied if the property had been the father's or the mother's or the husband's....".

This order had been put there because in clause 17, we had originally put first the heirs of the father, then the heirs of the mother, and then the heirs of the husband. In view of the change that we have made in clause 17, there will have to be a consequential amendment here also, and it has to read :

> "....and according to the same rules as would have applied if the property had been the husband's or the father's or the mother's..."

I shall pass on to you a copy of these amendments. These are only consequential changes, and I hope there is no dispute about these amendments.

Mr. Chairman: The hon. Member may pass on the amendments to the Chair when they are ready. We may in the meanwhile go on to clause 19.

Clause 19.—(*Special provisions respecting persons governed by* marumakkattayam *and* aliyasantana *laws.*)

Shri Damodar Menon (Kozhikode): I have given notice of some consequential amendments to clause 19 which relates to some special provisions respecting persons governed by the *marumakkattayan* and *aliyasantana* laws.

I beg to move :

(i) Page 8, line 31, *for* "sections 8, 10, 12, 13, 17, 25 and the Schedule" *substitute* "sections 8, 10, 17 and 25".

(ii) Page 8, *omit* lines 40 and 41.

(iii) Page 9, *omit* line 1.

(iv) Page 9, *omit* lines 14 and 15.

Amendment No. 244 has become necessary because clauses 12 and 13 have been negatived, and therefore there is no necessity now to have these clauses 12 and 13 included in clause 19. The reference to the Schedule also should now be deleted, because the Schedule for the people who follows the *Marumakkattayam* law and that for the other sections of the Hindus have now become the same, with the addition of the word 'mother' in the Schedule in class I. So, there is no necessity now to have a separate Schedule. So, this amendment brings it on a par with the Mitakshara law.

Amendment No 245 seeks to delete lines 40 and 41 on page 8. Sub-clause (ii) of clause 19 reads :

> "in Rule 2 of section, after the words 'and daughters' the words 'and the mother' had been inserted".

That has now become unnecessary, in view of the fact that mother has now been included in the Schedule. So, these lines also may be deleted.

Amendment No. 246 seeks to delete sub-clause (iii) which says that 'sections 12 and 13 had been omitted'. Since those clauses have been omitted now, there is no necessity for this sub-clause.

Amendment No. 247 relates to sub-clause (vii) of clause 19, which reads :

> "the mother had been included in class I of the Schedule and not in class II".

Since mother has already been included in class I of the Schedule, there is no necessity for this sub-clause also.

All these amendments are therefore consequential, and I hope there will be no difficulty in accepting them.

Mr. Chairman: Amendments moved:

(i) Page 8, line 31, *for* "sections 8, 10, 12, 13, 17 and 25, and the Schedule" *substitute* "sections 8, 10, 17 and 25".

(ii) Page 8, *omit* lines 40 and 41.

(iii) Page 9, *omit* line 1.

(iv) Page 9. *omit* lines 14 and 15.

Shri Pataskar: These amendments are all consequential amendments. We have dropped clauses 12 and 13, and therefore, naturally, any reference to them also has to be deleted.

[MR. DEPUTY-SPEAKER *in the Chair*]

Then, there was a special provision made in clause 19 in respect of persons governed by the *marumakkattayam* and *aliyasantana* laws, to include in class I of the Schedule. Since that has also been done, sub-clause (vii) in clause 19 has become unnecessary.

So, the amendments proposed by my hon. friend are consequential. In the first place, since we have omitted clauses 12 and 13, they seek to omit all references to these clauses, and secondly, since we have added the mother also in class I of the Schedule, they seek to omit any reference to that in clause 19.

That is also a consequential amendment. Clause 19 (ii) says :

> "In Rule 2 of section 10, after the words 'and daughters' the words 'and the mother' had been inserted."

[Shri Pataskar]

5 P.M.

Now that we have already included the mother in Class I as heir—we took that decision with respect to the Schedule—I think this also is not necessary.

Amendment No. 246 seeks the deletion of sub-clause (iii). At that time, an exception was going to be made in the case of the Marumakkattayam people. Now clauses 12 and 13 had been omitted.

The other amendment is No. 247. It reads :

Page 9—

omit lines 14 and 15.

This sub-clause was included originally because in the final list of Schedule, the mother was not included in Class I but in Class II. Now as a special measure, she has been included in Class I.

Therefore these are all consequential amendments arising from the decisions we have taken, and they should be accepted.

Mr. Deputy-Speaker : The question is:

Page 8, line 31, *for* "sections 8, 10 12, 13, 17, 25 and the Schedule" *substitute* "sections 8, 10, 17 and 25".

The motion was adopted

Mr. Deputy-Speaker : The question is:

Page 8.—

omit lines 40 and 41.

The motion was adopted

Mr. Deputy-Speaker : The question is:

Page 9.—

omit line 1.

The motion was adopted

Mr. Deputy-Speaker : The question is:

Page 9.—

omit lines 14 and 15.

The motion was adopted

Mr. Deputy-Speaker : The question is:

"That clause 19, as amended, stand part of the Bill".

The motion was adopted

Clause 19, *as amended, was added to the Bill.*

Shri C. R. Chowdary : Clause 18 should be put to vote.

Shri Pataskar : There are some consequential changes to be made there. Let the draft come and then it may be put to vote.

Mr. Deputy-Speaker : Let that stand over. When the draft is ready, I will put it to the vote of the House.

Clause 21.—*(Mode of succession of two or more heirs)*

Shri V. G. Deshpande : I beg to move :

Page 9.—

omit line 24.

This is a very important amendment. I do not want to count the number of Members again and again. My feeling is that just now the number is 33. I humbly want to point out to the hon. Minister of Legal Affairs, though he challenges all our motives....

Shri Pataskar : I have not challenged anybody's motives.

Shri V. G. Deshpande : ....that he promised to look into this clause when it came up. An apprehension was expressed by us in regard to the wording of clause 6 which was changed. This clause 21 says that if two or more heirs succeed together to the property of an intestate, they shall take the property as tenants in common and not as joint tenants. So we had asked a pertinent question whether there would be severance of the joint status of the coparcenary property. He gave the assurance that that would not be the case. But he did not exactly agree. He said that if clause 6 was read along with clause 21, some difficulty might arise, and there would be a break up of the joint family property. I do not know whether he is prepared to make any amendment or whether he has got any suitable modification in respect of this clause. Therefore, I have suggested an amendment to omit line 24 which means, omit "as tenants in common and not as joint tenants". Consequentially, sub-clause (a) will also go. If this is done, clause 6 may not result in complete break-up of the joint family property. So I request the Minister to accept this amendment.

Pandit Thakur Das Bhargava : In regard to clause 21, it is quite true, as has been pointed out by Shri V. G. Deshpande, that the hon. Minister was pleased to say that when this clause came up, he would see if anything could be done.

I am perfectly sure in my mind, and I fully believe that the efforts of the hon. Minister are directed towards securing that the joint Hindu family remains in tact as far as possible. He has gone out of his way in trying to see that there are not greater inroads on the joint Hindu family than are inevitable. It was from that point of view that he was pleased to say at the time clause 6 was under discussion that he would see if anything could be done. But I find that he has not moved any amendment himself, nor does he propose to do anything. In the absence of any amendment, except the one which has been moved by Shri V. G. Deshpande, I feel that the wording of clause 6 read with clause 21, will be tantamount to the disruption of every Hindu joint family, as long as clause 6 remains as it is. I say this because I feel that with the amendment now made to clause 6 the succession of any daughter or of a female heir or of a male through a female heir will open up and there will be no survivorship. In view of this, I am afraid that in spite of the tenderness of heart about the joint Hindu family inherent in our hon. Minister, the result will be the disruption of the joint Hindu family. At the same time, I am perfectly clear in my mind that this Bill by itself sounds the death-knell of the Hindu joint family, and the way in which the hon. Minister's mind is working and the way in which the minds of several of our friends are working, shows that it is a question of days for the Hindu joint family. When Shri C. C. Shah is out to see that the Hindu joint family does not exist, I do not think there is any person who can withstand his onslaught.

Shri C. C. Shah: Why does he single me out?

Pandit Thakur Das Bhargava: Shri C. C. Shah is not the only person. We all believe that it would be impossible to see that the Hindu joint family is allowed to remain as it is. I am not taking up the name of Shri C. C. Shah for any particular reason, but he is the chief of the gang....

Shri C. C. Shah: Of which you are one.

Pandit Thakur Das Bhargava: There are others like Shri N. P. Nathwani—all of us, as a matter of fact. When the Bill was sent to a Joint Committee, even at that time, I submitted that it was very difficult to salvage the Hindu joint family. Now it is through the kindness of the hon. Minister that the Hindu joint family is living. Otherwise, with Dr. Ambedkar's Bill, the Hindu joint family would have been dead long ago. I do not know whether the hon. Minister's effort to keep the joint family will bear fruit. I think in the next Bill he will deal a full blow at the joint family. I do not think he can keep it.

Taking this view, to the extent that the joint Hindu family goes away as a natural effect of clause 6, as it is, what is the effect? The effect will be that those who will succeed as sons will also succeed by the rule of succession given in this Bill. They will succeed as sons and not by survivorship, which means that they also will succeed almost like daughters, widows etc. That is, they will also become fresh stocks of descent and no survivorship will remain, which may perhaps mean that they will all acquire separate property in their hands. With separate property acquired and with succession brought about in this manner, I think all those limitations of Hindu law which pertain to ancestral property will disappear, with the result that the estate of those persons also might be approximated to that of the female heirs. I do not think much harm will be done. At that time, I thought that he would make his best efforts to give effect to the promise made in his speech. But, we find that with his best motives and wishes, it is not possible for him to meet this point. If the words 'joint tenants' were to be here, I do not know what effect they will have. If, in spite of his efforts, he cannot do anything for us, I have only to thank him for his efforts and not to press it home. We know the joint Hindu family is crumbling . Let the kick given by the House be a good kick. The House is not only giving a kick; but, it behaves ruthlessly towards the Hindu joint family. It behaves ruthlessly towards the feelings, traditions and sentiments of those people who are living in joint Hindu families in the Punjab and in the U.P. etc. Those people will remember this Bill for a long time. When this is so, I do not know if it is right attempt to tamper with this ruthless Bill.

Shri C. C. Shah: As the chief of the gang of which Pandit Thakur Das Bhargava is a member, I wish to say a

[Shri C. C. Shah]

few words about caluse 21. Clause 21 relates not only to joint family property but it relates to all property comprised in this Bill, namely, separate property of male Hindus as well as property of females. Therefore, we could not have restricted it in the manner in which Pandit Thakur Das Bhargava wanted it. I agree with him that this clause will go a little way in further disrupting the joint Hindu family. In fact, as we progress with this Bill, the feeling is growing upon me that it would have been much better for us if we had accepted the very logical thing which the Rau Committee had recommended, the disruption of the joint family and to have a Bill which would have avoided many complications. I do not know what complications, the Bill as it stands, will lead to. But, since it was possible, at this stage to agree to a course which was simple and logical, we have now adopted a course which, I hope, will, in the not distant future be able to correct the complications which arise out of the problems which we have accepted.

Mr. Deputy-Speaker: Let us leave the complications to be removed later.

Shri Pataskar: It was pointed out, when we were considering clause 6, by Pandit Thakur Das Bhargava that clause 21, in spite of what we have done in clause 6, is going to disrupt the joint family. I will avoid going into a discussion as to what the ultimate result of this will be. That I will deal with when a future occasion arises during the consideration of this Bill. But, I may tell you that, as promised, I sincerely felt that if it were possible I might find out a way.

The point is that, so far as clause 21 is concerned, as was pointed out by Shri Shah, and probably, as Pandit Thakur Das Bhargava knows, this applies not only to coparcenary properties but to all manner of properties and to properties inherited both from males and females. Therefore, the question arises as to what can be done to avoid some result which was contemplated by the passing of clause 6.

There is only one thing which I would like to point out at this stage. Supposing there was a person who had two sons and one daughter. Clause 6, as we have passed it, says that so far as the interest of the sons in the joint family property is concerned, it is retained for them and with respect to that, there will be no question of their holding it as tenants-in-common. But, naturally, when the father dies and the succession opens, both the sons and the daughters will inherit to his share or his interest in the joint family property. Supposing that property was worth Rs. 3000, the interest of each son would be to the extent of Rs. 1000. In that property, an interest of Rs. 2000 will be held as joint tenants and they will continue to hold it so. But, with respect to the other interest of Rs. 1,000 which they share with the daughter, naturaly, they will hold it as tenants-in-common. But, I want to suggest here that whatever interest they get out of this property along with the daughter will be an accretion to the original joint family property and in that sense it will be joint family property that belongs to them. Of course, it may be capable of some other significance. I would, therefore, suggest that so far as clause 21 is concerned, it should be as it is, because, as my critics themselves admit, it is not possible for me to maintain a thing which cannot probably be maintained by any addition of this nature. I promised at that time that I would consider this important matter and I have given my utmost consideration to that. But, now, I think the only safeguard would be what is in the present Bill. When these sons inherit a part of the ancestral property which they share with the daughter, that will be regarded as an accretion to their joint family property and will cause no inconvenience. But, I am not asserting anything.

Therefore, I would suggest that so far as my friend Shri Deshpande's amendment is concerned—he has been very emphatic and he naturally feels very strongly and I have no objection to anybody having such feelings—I am not able to accept it because it will lead to difficulties. This Bill applies not only to joint family property but also to all kinds of property. A general rule of law should be made as far as possible and so they should hold as tenants-in-common. With all my respect for my hon. friend's holding the view that joint family must not be touched, I am very sorry that I cannot accept his amendment.

Shri V. G. Deshpande: Cannot clause 6 be amended suitably?

Shri Pataskar: I have considered it; I am not able to do anything. Therefore, I would urge that in view of what we are doing he would withdraw the amendment.

Shri V. G. Deshpande: I am unable to accede to the request. But, before putting it to vote, I would request you to see that quorum is present because my feeling is that such an important clause should not be voted by us without quorum.

Mr. Deputy-Speaker: The bell is being rung. Now there is quorum.

The question is:

Page 9.—

omit line 24.

The motion was negatived.

Mr. Deputy-Speaker: The question is:

"That clause 21 stands part of the Bill".

The motion was adopted.

Clause 21 was added to the Bill.

Shri Pataskar: May I make a submission with respect to the consequential amendment to clause 18?

The amendment is:

Page 8, line 25.—

for "clauses (c), (d) and (e) of sub-section (1)" *substitute* "clauses (b), (d) and (e) of sub-section (1) and in sub-section (2)".

I am willing to accept it in this form.

Mr. Deputy-Speaker: Let the amendment be formally moved.

Shri C. C. Shah: I beg to move:

Page 8, line 25.—

for "clause (c), (d) and (e) of sub-section (1)" *substitute* "clauses (b), (d) and (e) of sub-section (1) and in sub-section (2)".

Mr. Deputy-Speaker: The question is:

Page 8, line 25.—

for "clauses (c), (d) and (e) of sub-section (1)" *substitute* "clauses (b), (d) and (e) of sub-section (1) and in sub-section (2)".

The motion was adopted

Mr. Deputy-Speaker: The question is:

"That clause 18, as amended, stand part of the Bill."

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clause 22 was added to the Bill.

Clause 23.—*(Presumption in cases of simultaneous deaths)*

Shrimati Sushama Sen: Although I have not tabled any amendment to this clause, I feel that clause 23 is not necessary and it is redundant because the law of presumption in case of such deaths is the same. What is the use of putting this clause here? Will the hon. Minister kindly explain why this is necessary.

Shri Pataskar: I think it is necessary but I do not know her grounds for saying that this is not necessary.

Shrimati Sushama Sen: It is redundant and I think it could be deleted from this Bill, because that is the law now. Why should we put it again here?

Shri Pataskar: As a matter of fact, this is necessary in order to avoid any misunderstanding on this subject. Although it is the usual rule, it is much better to put it here when we codify the law.

Shri S. S. More: Will that not be a presumption under the Evidence Act?

Shri Pataskar: Anyhow, it is better to put it here.

Mr. Deputy-Speaker: The question is:

"That clause 23 stand part of the Bill".

The motion was adopted.

Clause 23 was added to the Bill.

Clause 24.—*(Right of pre-emption)*

Shri Krishna Chandra: I beg to move:

Page 9, line 40.—

for "transfer" *substitute* "mortgage or sell".

[Shri Krishna Chandra]

By my amendment I want to change the word "transfer" in line 40 on page 9 into "mortgage or sell". The word "transfer" is very comprehensive; it may include even lease. That means that after this Bill comes into force as an Act, the successor to any immovable property will not be able even to lease the houses or give them on rent. I think that will be very harassing. Therefore, the word "transfer" should be changed into "mortgage or sell".

Pandit Thakur Das Bhargava: In regard to clause 24, I find the words, on the right hand side of the page, "right of pre-emption". So far as the right of pre-emption is concerned, it is a right to acquire by preference over the vendee to certain properties which were transferred by sale. The words "right of pre-emption" are used on the right hand side of this page, but in the body we find that there is no question of sale. On the contrary the word used is "transfer". Transfer, as we know, includes lease, mortgage, gift and other forms of transfer. I do not know why the words "right of pre-emption" are put in here. If the word "transfer" is put in here, it cannot be only in respect of pre-emption. Moreover, the effect of this clause would be that so far as businesses are concerned, so far as joint family firms are concerned, they will stand dissolved. The membership of the firm will not be looked into. So far as the death of a coparcener is concerned, it does not mean dissolution at all. In the case of a partnership, if a partner died, under section 239 of the Contract Act, the business will be deemed to have been dissolved. Therefore, in cases where a succession has taken place, the direct result of the death would be that all these businesses would be dissolved all over India at once.

I submitted previously that the consequences of this Act have not been fully realised. As a matter of fact, the consequences will be too drastic and every family firm will stand dissolved in the event of death of a partner or coparcener because the succession will be opened out. In every case, the person who will succeed to the right will say "I will take part in the management"— why should he not take part? —but the whole effect will be that there will be no joint business after this Bill comes into operation so far as the members of a coparcenary are concerned.

The question will then arise as to what are they to do when there are several partners. Either they will go to court for dissolution and get the dissolution made or it is possible, as suggested in clause 24, that in some cases a partner or heir may propose to his co-heirs that he will transfer his interest and the co-heirs may be prepared or able to take up the share of the other heir. That seems to be the idea here. As you are fully aware, in the Pre-emption Act, it so happens that first of all, notice is given, and after the notice is served, if within a certain time the right is not exercised, then he loses that right, and he cannot then pre-empt. Here no limitation period is prescribed and no application is prescribed. On the contrary, it appears that if there is a dispute about price—and it is natural that there will be disputes about prices—the matter can go to court and the court can determine the price on an application made in this behalf. But there is one difficulty. When a notice is given and proper price is paid, the person who wants to sell is compelled to sell. But in this case I find the position somewhat like this. Supposing I say one day that I propose to sell and I find that the proper price is not given to me, or, I want to say that there is competition between heirs or between heirs or strangers, what would happen? I will withdraw my offer. I need not transfer. It would only mean that there would be keen competition between the strangers and these people and nothing will come out of it. I have the credit to the Joint Committee as well as the hon. Minister for putting in this provision for the benefit and protection of the heirs and the business. But they will not get the benefit. On the contrary, there will be a scramble about this business and it will end in a fiasco. What you are thinking you will give them will not be availed of by them. It is not an imaginary position. If you keep this provision it will work to the detriment of the heirs. Therefore, we are not justified in keeping this provision. You call it pre-emption without having some provision whereby you may be able to force the person who wants to propose this transfer to agree to the decision of the court. We have done nothing of the kind. Under these circumstances, I find that the proposals may be withdrawn as soon as there is an application made to the court and there is a keen competition and then, there will be no transfer. I say that this provision will make matters worse. Therefore, we should not have this provision and it will not be so beneficial as those who are responsible for this provision, want it to be.

Shri K. K. Basu: You want the whole clause to go?

Pandit Thakur Das Bhargava: Yes.

Shri C. C. Shah: I am disposed to agree with Shri Bhargava on this point. This clause will not serve much purpose. You will see that the original clause 25 in the Bill which was introduced in this House, for which this new clause 26 has been substituted, had been evolved and placed in a different manner altogether. The intention there was that the other heirs should have a right to purchase the share of a female heir. That would have served some purpose. Here this clause as it stands does not prevent a heir from asking for a partition. If the heir asks for a partition, then clause 24 does not come into operation at all because it is only when the heir proposes to transfer his or her interest that this clause comes into operation.

Secondly, this is not really a right of pre-emption at all. The right of preemption, as Pandit Bhargava pointed out, presumes an elaborate machinery, compulsion of sale, etc. none of which is here. Our intention was this. There is a joint family business. There is a distant, female daughter's daughter, for instance. She becomes interested. It may be a very small share or negligible share. The other heirs ought to have the right to purchase that share at a fair value. It is not that she will not be paid fair value. But she should not have the right to disrupt the whole business only because she has a small share and wants a partition. I would wish if it were possible to amend the clause in that direction. Ordinarily speaking, every heir has a right to claim partition. That could not be prevented. All that we could have done was to compel that heir to take a fair value instead of having a division, either by agreement between the parties or by a competent court. I do not think that the clause, as it is at present, will do any harm. I do not think so, but all I mean is that it will not serve much useful purpose.

Shri N. C. Chatterjee: I do not think that the hon. Minister's intention is to put in an ineffective clause about the right of pre-emption. It is feasible to give some right to buy to the other co-sharers. When you are specially giving twelve kinds of heirs, you cannot have simultaneous heirs in Class I. When you give inheritance to the daughter, you give the inheritance to the son-in-law. Outsiders will come in and thereby the joint family, coparcenary business will be in great peril. It is desirable to have some clause like that. Partition means filing a suit and that means a lot of difficulty, whereas when the business is running, it is much better to sell the share when the business is in a flourishing condition. At that time, you can get better price for a share. In such cases, it is desirable to give the right of pre-emption to the other coparceners to maintain the integrity of the coparcenary business rather than drive it to a forced dissolution or to force outsiders who will be undesirable elements there. Therefore, I shall appeal to the Minister that he should put in one or two clauses just to make it effective. My friend, Pandit Bhargava, is quite right in pointing this out. There is no compulsion. When you express your will, notice time has got to be fixed. Then, one cannot back out. It must be compulsory alienation and that clause can be easily put in. It is very vital. In clause 21, you have practically destroyed coparcenary by calling them tenants-in-common.

You started by saying that you were not disrupting the coparcenary. But the effect of clause 21 is this. Therefore it is very urgent—the right of pre-emption. It should be made more effective. It is such a vital matter and it can be made effective by a little amendment. I am appealing to the hon. Minister to put in a clause like that in conformity with the Pre-emption Act so that this may be really made effective, this may not be illusory and the continuity of coparcenary business and coparcenary firm may not be imperilled.

Shri Mulchand Dube: This clause refers to property as well as business. So far as the question of property is concerned, if it refers only to immovable property then, there has to be the right of pre-emption and the question of the heir claiming partition would arise. It would still be necessary to make the transfer compulsory. If it is not made compulsory, as pointed out by other hon. Members, as soon as the price is fixed, the person may just back out and may not at all sell the property. The

[Shri Mulchand Dube]

word 'transfer' also has to be changed. It has to be 'sale or usufructuary mortgage' so far as the immovable property is concerned. Mere mortgage also will not suffice.

In regard to business, I think it should not at all have been included in this clause because the business may either be a partnership business or it may be a joint family business. If it is a partnership business it would be dissolved by the death of a partner. If the partnership is dissolved, then the heirs would only have the right to accounts. There is absolutely no question of anybody's being entitled to a share or taking part in the business that was being carried on before the death of the owner.

Therefore, my submission is that so far as the question of business is concerned, if it is partnership, this law would be ineffective. If we presume it to be a joint family business, the question will arise as to what the effect of the amendment in clause 6 will be. In the amendment to that clause, we say that there should be some kind of national partition at the time of the death of the person who is dying intestate. Even if there is a national partition, my submission is that the business will cease to be a business of the joint Hindu family as soon as the person dies for, his death results in the business ceasing to be a joint family business. The question whether the heirs of the last male owner who died will have a right to take part in the business will arise. The business having ceased to exist, the heirs will not have the right to take part in that business. They can only claim accounts and in claiming accounts, they will have the right to a share in the money or the capital. Therefore, as far as business is concerned, it should not be included in clause 24 at all.

It is only the property which is of an immovable nature that is to be included and the right of pre-emption should be confined to sales.

There is another sub-clause in which it is stated that if the court determines the price and if there are two or more claimants who want to buy that property, there should be some kind of bids invited and the one who has made the highest bid will get the property. In regard to this my submission is that the practice that is followed in pre-emption cases should be followed in such a case and if there are more than one claimant the property should be equally divided among them.

Shri Pataskar: It is true that the provision as it is in clause 24 does not give anybody the right to compulsorily purchase any property. That is also not really intended. Sir, you are aware, there was a clause No. 25 in the original Bill, which was subject to a good deal of criticism in this House that it did not take matters further and that the point was not precise as to what is to be done under that clause. The Joint Committee, at the time they discussed this matter, thought that clause 25 as, it then was worded, was not capable of much use. They, therefore, thought over the matter as to what could be done and arrived at a decision which is now incorporated in the present clause 24.

I would not say that it exactly serves the purpose of saving the joint family in all cases. It is only for a limited purposes. The clause reads like this :

> "(1) Where, after the commencement of this Act, an interest in any immovable property of an intestate, or in any business carried on by him or her...."

These are the two things which are tried to be dealt with in this clause.

> ".....whether solely or in conjunction with others, devolves upon two or more heirs specified in class I of the Schedule, and any one of such heirs proposes to transfer his or her interest in the property or business, the other heirs shall have a preferential right to acquire the interest proposed to be transferred."

Therefore, this provision is clearly intended to give a preferential right to the other co-sharers, whenever any immovable property or business devolves upon different heirs which are mentioned in class I of the Schedule. Of course, as I have already admitted, it is only meant for a limited purpose. Normally, if there is a joint family business and there is some daughter or some other relative who probably cannot attend to the business, then if she merely gets the income and continues there will be no difficulty. But if there is a desire to make money and sell her share, which in many cases it might be possible to do with the other heirs, at that time, as my hon. friend Shri N. C.

Chatterjee pointed out, it is in the interest of both the business as well as the heir who has got an interest in the share to get an adequate compensation for her or his interest, to sell it to the other co-sharers. It is, therefore, with the idea of preserving the business or immovable property, without detriment to the interests which devolve upon different heirs, that this provision has been made. It applies not merely to daughters, but to other heirs as well. There may be sons also who are found incapable of continuing the management of a business or immovable property in a proper manner. We know that there are in joint families, sons who not only do not contribute much to the increase in the property or proper management of the business, but who at times, are in a position to create trouble. It is not only daughters who are thought of in this provision. If there is a son in the family who wants to create trouble by wasting the property or doing some other thing, this provision only says that in case that son is trying to dispose of the property, then the others will have a preferential right. Sub-clauses (2) and (3) only describe the remedy that is to be followed.

This point, whether we should give the right to the other heirs to compulsorily acquire the share of another, was considered at the time the Joint Committee discussed this Bill and it was thought—and we still believe—that that would not be the right way of doing it, because by that, apart from the fact whether it is female or male, we would be putting an unnecessary hardship on the rights of the different shares in the business, which it is likely, would be exploited by some other people. Therefore, I do not claim what is not intended to be done by this clause, but on a dispassionate consideration it will be found that it serves this purpose of preserving the immovable property or business. Naturally, the tendency would be, on such occasions, to sell the share out to a third party. It is only to prevent a third party coming in that we have thought of giving this preferential right to the other shareholders.

Then as regards the marginal note instead of saying "Right of pre-emption" we might say: "Pereferential right to purchase" or something like that. That is immaterial and that can be done. Except for this change, I would appeal to the House to pass the clause as it is.

Mr. Deputy-Speaker: This is, one amendment No. 234 which has been moved to this clause.

Shri Pataskar: I am sorry I did not reply to that. I think the word "transfer" is wide enough. It covers everything and I need not say here whether it is mortgage or something else. Therefore I cannot accept that amendment.

Mr. Deputy-Speaker: Does the hon. Member want we to put the amendment to the vote of the House?

Shri Krishna Chandra: Yes.

Mr. Deputy-Speaker: The question is:

Page 9, line 40.—

for "transfer" *substitute* "mortgage or sell".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

> "That clause 24 stand part of the Bill."

Shri Pataskar: Before that, may I make a suggestion at this stage that the marginal note may be made to read "Preferential right to acquire"?

Mr. Deputy-Speaker: That is only a marginal note. It need not be put to vote and can be altered even otherwise. I will put the clause to the vote of the House. The question is:

> "That clause 24 stand part of the Bill".

The motion was adopted.

Clause 24 was added to the Bill.

Clause 25.—*(Special provision respecting dwelling-houses)*

Mr. Deputy-Speaker: We will now take up clause 25. What are the amendment that the hon. Members would like me to consider as moved to this clause?

Shri Dabhi: Sir, I suggest that there are only ten minutes left. We are already tired and therefore we may adjourn now.

Mr. Deputy-Speaker: We will now make the list of amendments to this clause and then adjourn.

Shri Sadhan Gupta: My amendment is:

No. 219.

Shri Rane: I have got my amendment No. 19.

Shri Dabhi: My amendments are numbers 3 and 181.

Shri Krishna Chandra: There are my amendments Nos. 225, 226 and 220.

Shri R. C. Sharma: There is also my amendment No. 207

Shri K. S. Gounder: I have also given notice of an amendment. It is there among the slips that are on your Table.

Mr. Deputy-Speaker: So, these are the amendments moved: 219, 19, 3, 181, 225, 226, 220, 207 and 253.

Shri Sadhan Gupta (Calcutta—South-East): I beg to move:

Page 10, line 25—

after "shall not arise" *insert*:

"until the members of the intestate's family cease wholly to occupy it or".

Shri Dabhi: I beg to move:

(i) Page 10, line 24.—

after "in this Act," *insert*:

"if there is only one such male heir no female heir shall have a right to claim partition of the dwelling-house and if there is more than one of such male heirs."

(ii) That in the amendment proposed by Shri S. R. Rane, printed as No. 19 in List No. 3 of Amendments—

In part (i)—

for "less than fifty-one acres and two houses used for agricultural purposed and" *substitute*:

"Not more than five acres and".

Shri Rane: I beg to move:

Page 10.—

(i) line 22.—

after "includes" *insert*:

"agricultural lands less than fifty-one acres and two houses used for agricultural purposes and";

(ii) line 25—

for "dwelling-house" *substitute*:

"above-said, property"; and

(iii) line 27.—

for "therein" *substitute* "in the dwelling-house".

Shri Krishna Chandra: I beg to move:

Page 10.—

(i) line 24, *for* "female heir" *substitute*:

"daughter heirs";

(ii) line 26, *for* "the female heir" *substitute*:

"she", and

(iii) line 28, *omit* "where such female heir is a daughter"

(ii) Page 10, line 30. —

after "has been deserted by" *insert*:

"or has separated from"

(iii) Page 10, lines 30, and 31.—

omit "whose husband has left no dwelling house"

Shri R. C. Sharma (Morena—Bhind): I beg to move:

Page 10.—

(i) line 22, *after* "includes" *insert* "agricultural land up to twenty acres, a house used for agricultural purposes and";

(ii) line 25, *for* "dwelling-house" *substitute* "the above-mentioned property"; and

(iii) line 27, *for* "therein" *substitute* "in the dwelling-house"

Shri K. P. Gounder: I beg to move:

Page 10, line 28, *after* "daughter", *insert*:

"or grand-daughter or great grand-daughter"

Mr. Deputy-Speaker: All these amendments are before the House. We can have the discussion on the amendments, now, I suppose.

Pandit Thakur Das Bhargava: Tomorrow.

Mr. Deputy-Speaker: If that is the general desire of the House, I have no objection to adjourn the House now.

Shri Sadhan Gupta: If you want to adjourn the House, I shall speak tomorrow.

Mr. Deputy-Speaker: If the hon. Member wants to proceed, I have no objection. I will certainly hear him. Anyway, let him begin the speech now. Let him have the preferential right to begin the speech.

Shri Sadhan Gupta: My amendment runs as follows:

Page 10, line 25.—

after "shall not arise" *insert*:

> "until the members of the intestate's family cease wholly to occupy it or"

This amendment is by way of removing a lacuna which seems to have crept into this clause.

Mr. Deputy-Speaker: The hon. Member might continue tomorrow.

5-52 P.M.

The Lok Sabha then adjourned till Half Past Ten of the Clock on Tuesday, the 8th May, 1956.

[*Monday, 7th May* 1956.]

COLUMNS

PAPERS LAID ON THE TABLE . . . 7387-88

The following papers were laid on the Table :

(1) A copy of the statement containing a corrigendum to the Financial Memorandum appended to the Agricultural Produce (Development and Warehousing) Corporations Bill, 1956, which was introduced in Lok Sabha on the 28th February, 1956.

(2) The following statements showing the action taken by the Government on various assurances, promises and undertakings given by Ministers during the various Sessions showing against each :

(i) Supplementary Statement No. I—Twelfth Session, 1956, Lok Sabha.

(ii) Supplementary Statement No. V—Eleventh Session, 1955, of Lok Sabha.

(iii) Supplementary Statement No. XIII—Tenth Session, 1955, of Lok Sabha.

(iv) Supplementary Statement No. XV—Ninth Session, 1954, of Lok Sabha.

(v) Supplementary Statement No. XXI—Seventh Session, 1954, of Lok Sabha.

(vi) Supplementary Statement No. XXIX—Sixth Session, 1953, of Lok Sabha.

(vii) Supplementary Statement No. XXXIV—Fifth Session, 1953, of Lok Sabha.

(viii) Supplementary Statement No. XLIV—Third Session, 1953, of Lok Sabha.

COLUMNS

PRESIDENT'S ASSENT TO BILL 7388

Secretary reported to Lok Sabha that the Appropriation (No. 2) Bill, 1955, which was passed by the Houses of Parliament during the current session was assentted to by the President on the 28th April, 1956.

MESSAGES FROM RAJYA SABHA 7389

Secretary reported the following two messages from Rajya Sabha :—

(i) That at its sitting held on the 3rd May, 1956, Rajya Sabha had agreed without any amendment to the St. John Ambulance Association (India) Transfer of Funds Bill, 1956, passed by Lok Sabha on the 18th February, 1956.

[DAILY DIGEST]

COLUMNS

(ii) That at its sitting held on the 3rd May, 1956, Rajya Sabha had passed the Indian Red Cross Society (Amendment) Bill, 1956, passed by Lok Sabha on the 18th February, 1956 with amendments and had returned the Bill with the request that the concurrence of Lok Sabha to the amendments be communicated to Rajya Sabha.

BILL RETURNED BY RAJYA SABHA WITH AMENDMENTS . . . 7389

Secretary laid on the Table the Indian Red Cross Society (Amendment) Bill Returned by Rajya Sabha with amendments.

REPORT OF BUSINESS ADVISORY COMMITTEE PRESENTED . 7389

Thirty-fourth Report was presented.

REPORT OF COMMITTEE ON ABSENCE OF MEMBERS FROM THE SITTINGS OF THE HOUSE PRESENTED . 7390

Fourteenth Report was presented.

MINUTES OF ESTIMATES COMMITTEE PRESENTED . . . 7390

Minutes of the Estimates Committee (1954-55) Vol. 4, No. 2 were presented

CONSIDERATION OF BILL . . . 7390-7528

The Hindu Succession Bill as passed by Rajya Sabha was further considered. Consideration of clauses was not concluded.

AGENDA FOR TUESDAY, 8TH MAY, 1956—

Further consideration of the Hindu Succession Bill, as passed by Rajya Sabha.

GIPN—S3—113 Lok Sabha—24-1-57—840